

CHAPTER 10 – ADULT PROGRAMS

ARTICLE 1 — EDUCATION SERVICES*

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Not Cleared For Statewide Use

101010.1 Policy

The Department supports quality academic and vocational education programs that meet the needs and interests of the inmate population consistent with the operational and security priorities of individual facilities.

Each facility shall provide academic education, vocational training, library services, recreation, physical education, hobby craft, and prerelease programs. The goal is to provide inmates with educational, occupational, and social skills to help them function better in the facility and upon return to society. These programs shall be coordinated statewide, accessible to inmates, consistent in quality and content, and in compliance with CCR, policies, and State and federal laws.

Educational staff shall meet the credential standards as set forth by the Commission on Teacher Credentialing and, as professional educators, are to be referred to as such in written procedures and policies.

Educational programs shall meet the Department's curriculum guidelines and shall use the competency based adult education curriculum. The curriculum shall be relevant to the practical needs of adults, both in facilities and the community.

It is departmental policy that the Warden shall ensure that inmates achieving below a 6.0 grade level or with limited English proficiency are assigned to adult basic education or English as a Second Language (ESL) programs.

The Warden shall make every effort to assign 15 percent of the inmate population to academic education and 18 percent to vocational programs.

Demonstrated competence of 80 percent on each certification test shall be the basis for certifying student progress and awarding educational credits.

101010.2 Purpose

The purpose of this procedure is to provide guidelines and standards for education services.

101010.3 Programs

Education includes academic and vocational instruction, industrial training, educational counseling, and apprenticeship.

Academic classes shall be offered to inmates from literacy through high school. Enrollment in classes shall be open-entry/open-exit if feasible. College classes may be offered based upon available funding.

Vocational programs shall offer training that teaches entry-level employment skills or upgrades current skills. Enrollment shall be on an open-entry/open-exit basis if feasible. TACs comprised of labor and management representatives from the community shall provide assistance to these programs.

Apprenticeship training programs for inmates shall be developed in cooperation with the local joint apprenticeship training committees, the California State Building and Construction Trades Council, and DAS.

101010.3.1 Responsibility

Headquarters

The Superintendent of Correctional Education and the Office of Correctional Education (OCE) shall provide technical and consultative services to the facilities for academic and vocational education. This consultation service shall include a curriculum specialist who shall provide the needed expertise in implementing and maintaining the competency-based curriculum.

The Superintendent, OCE, shall audit, evaluate, and report to the Director of Division of Education, Vocations and Offender Programs on the academic, vocational, and apprenticeship activities at each facility.

The Superintendent, OCE, shall be a member of the Secretary's executive staff.

The Superintendent, OCE, through the facility's Supervisors of Correctional Education Programs (SCEP) shall coordinate efforts in obtaining accreditation from the Western Association of Schools and Colleges for each facility's education program.

Facilities

The Warden is administratively responsible for the academic and vocational programs at their facility.

The SCEP shall be a member of each Warden's executive staff.

The SCEP is directly responsible for the academic and vocational programs at the facility.

The facility academic and vocational staff shall develop, supervise, operate, and evaluate inmate educational programs.

Educational Advisory Committee

Each SCEP shall establish an educational advisory committee for academic education and for vocational education comprised of inmates. The education supervisors involved shall meet with these committees on a regularly scheduled basis (at least once monthly).

The objective of these committees is to provide a means to establish and maintain positive relationships with the students. Through effective use of these committees, it shall be possible to maximize the student's contributions to the academic and vocational programs and enhance the quality and acceptance of the programs.

The Superintendent, OCE, the SCEP, and the educational staff in facilities and camps shall determine the types and content of courses consistent with the needs of students and policy of the Department.

101010.3.2 Credentialed Personnel

Personnel who teach and/or administer inmate education programs for which funds are provided shall possess an appropriate California teaching or service credential.

101010.3.3 Contracts

Facility staff may negotiate contracts with local school districts, county boards of education, and consultants if necessary.

101010.3.4 Classification of Inmates

Classification committees shall recommend inmates for education programs. An education representative shall sit on all initial classification committees. Recommendations shall be made on the basis of reception center studies, supplemental findings, and the inmate's needs, interests, and desires. In the event there is not a grade-level test score, the inmate shall be given the test of adult basic education prior to classification action to assist in determining appropriate program needs. Facility needs shall also be considered in making education assignments within established policy guidelines.

101010.3.5 Enrollment of Inmates

The SCEP and the educational staff shall enroll inmates in particular academic or vocational programs. After inmates are enrolled in a course, attendance shall be considered contractual on their part until completion of the course or removal by a classification committee.

A basic education program for functional illiterates shall be established in each facility. Every effort shall be made by the facility staff to encourage the functional illiterate to enroll and participate in the program.

101010.3.6 Inmate Occupational Licensing

The Department shall provide an opportunity for inmates to obtain licenses in occupations that require licensing.

When an inmate enrolled in an education program is qualified to take an examination for an occupational license, the facility shall pay for that examination.

101010.3.7 Termination of Assignments

An inmate may be terminated from a course with the recommendation of the teacher and the approval of the supervisor and the classification committee.

If a vocational student is being recommended for a drop, the supervisor shall schedule the inmate for a counseling interview. Inmates may have the option to enroll or be placed on the waiting list for another vocational program for which they are qualified.

101010.4 Vocational Education

Vocational education programs shall:

- Be provided so that individuals leaving a facility have had the opportunity to learn a salable skill.
- Provide for a realistic balance between the vocational interests of individuals and the needs of business, industry, society, and the facility.
- Include instruction in reading, oral and written expression, computation, and social interaction as required by the occupation.
- Provide occupational information and guidance and, whenever possible, assist in the placement of inmates who have successfully completed the program.
- Be designed (recognizing new and emerging occupations) to prepare students for initial employment or for advancement.
- Be provided to allow individuals the opportunity to enter, progress, and exit as their specific needs dictate.

- Be developed and periodically revised to reflect societal, economic, and occupational changes.
- Be developed and continued on the basis of identifiable needs, TAC recommendations, employment statistics, current occupational surveys, and facility needs.

To the extent possible education training programs shall:

- Provide training required for permanent employment in the community.
- Support facility plant operations, PIA and business services. This support work shall complement the inmate's training program through OJT and work experience and it shall be instructional in nature.
- Have equipment which meets current industry standards. The Warden shall ensure that updating of vocational equipment receives a high priority in the facility's annual equipment budget requests.
- Be accredited to allow qualified inmates an opportunity to earn community college credit for vocational courses.

101010.4.1 Standards for Vocational Education Programs

Vocational education programs shall maintain the following minimum standards:

- A curriculum outline and course of instruction shall be developed, approved by the Superintendent, OCE, and maintained in each vocational education area.
- The SCEP and/or the Supervisor of Vocational Instruction (SVI) shall review annually approved course outlines and courses of instruction. These shall be revised to keep current with changes in instructional materials, methodology, and course content.
- Each course of instruction shall have the necessary assignment information and job sheets as required in the curriculum outline.
- Each vocational instructor shall conduct and document not less than four hours of approved related, formal classroom instruction each week.

Each vocational instructor shall present a minimum of one hour of safety instruction per month. This instruction shall be appropriately documented and available for inspection. A safety committee comprised of inmate students shall conduct weekly safety inspections of equipment and facilities. Records of the safety inspections shall be maintained for one year.

101010.4.2 Procedures for Continuing Existing Programs

Vocational education programs shall be continued on the basis of identifiable facility needs, TAC recommendations, employment statistics, and a current occupational analysis. A facility planning to continue a vocational program after an instructor terminates employment shall complete the following procedures:

- Notify the Superintendent, OCE, in writing immediately upon termination of any vocational instructor and plans for continuing the program.
- If a TAC for the program does not exist, contact labor and management and reestablish their support for the program and solicit their participation in a TAC.
- If a TAC is active, its endorsement of the plan to continue the program shall be obtained.
- If the occupational analysis is negative, consider a program change. Request an exemption if the program provides facility support.
- If the vocational program is to be continued, the plan shall include:
 - A current job market analysis.
 - A curriculum outline.
 - The endorsement of the TAC.
 - A list of management and labor representatives who shall make up the TAC.

This plan shall be submitted to the Superintendent, OCE, for approval and returned to the facility for retention in the appropriate vocational shop.

101010.4.3 Procedures for Addition/Change of a Vocational Education Program

A facility planning to add or change a program of vocational instruction shall submit the following to the Superintendent, OCE:

- A summary of the job market analysis of the program, together with a copy of the survey instruments used.
- A list of potential employers.
- A list of labor and management representatives who have agreed to serve on the TAC.
- A tentative curriculum outline endorsed by management and labor.

- Lists of equipment available for training, a cost estimate of the equipment needed to meet course objectives, and a shop layout of the physical plant. If approved, the Superintendent, OCE, shall ensure necessary funds are provided to initiate the program.
- If the program operates in conjunction with PIA, plant operations, or business services, include an agreement for funding, the plan of operation, and the scope of activities that shall be used for training.

101010.4.4 Procedures for Conducting a Job Market Analysis

Every five years the Superintendent, OCE, shall assign job market analysis for existing programs to facility staff.

- The SCEP shall ensure completion of an accurate, comprehensive job market analysis for programs that have not had an analysis within the past five years.
- Job market analyses shall be assigned in January and completed and returned to headquarters by the end of March.
- The job market analysis shall contain each of the following:
 - A summary of the latest projections of employment for the State of California prepared by the State Employment Development Department (EDD).
 - A summary of the latest standard metropolitan statistical area employment outlook prepared by the EDD.
 - A job market analysis questionnaire shall encompass, but not be limited to, the following items:
 - General information on the vocational program to include a brief description of the program, location, major equipment, length of program, space occupied, and competencies offered.
 - The need for input and assistance from potential employers.
 - Question section to determine the employment potential, salary range, number of workers employed, turnover rate, licenses or certifications required, and the willingness to hire trained parolees.
 - A space for the name of the person responding, their title, the company's name, address, and telephone number.
 - A section for those persons desiring to serve as TAC members.
 - A section for comments.
- The survey questionnaire shall be sent to companies selected with an emphasis on major metropolitan areas. Retain the master lists of selected companies for a five-year update of job market analysis. The Superintendent, OCE, shall determine the size of the sample group and any change shall have his/her prior written approval.
- All job market surveys shall include a stamped, self-addressed envelope for the return of completed questionnaires.

Copies of the questionnaire shall be retained in the event few or no responses are received. Use these questionnaires for follow-up telephone contacts.

The Chairperson of the TAC shall annually review the job market analysis. It shall be signed by the Chairperson and the SCEP after review for current relevancy. The signed review shall be forwarded to the Superintendent, OCE, who shall review, comment, and return it to the facility.

101010.4.5 TACs

The Warden shall establish a representative TAC for each trade or occupation for which there is a vocational training program. Vocational TACs shall be composed of an equal number of representatives selected by management and labor. Local facility authorities shall appoint committee members from lists of names submitted by the groups represented. The objectives of the TAC shall be to provide advice and/or consultation on:

- Space and equipment requirements, instructor/student ratio training procedures, and instructor qualifications and selection.
- Establishing standards for inmate selection and training relevant to current methods and industry standards.
- Vocational guidance and evaluation of inmate trainees.
- Release employment opportunities.
- Improvement of mutual understanding among labor, management, and the Department.

The SVI shall ensure that each vocational instructor organizes and maintains an active TAC for their vocational training program.

Vocational instructors shall work closely with representatives of the TAC to ensure vocational training programs meet the changing employment needs and training trends in industry. The TAC shall meet at least quarterly. Exemptions to the quarterly meetings shall be requested from the Chief of

Education due to the feasibility of conducting meetings in certain geographic locations.

101010.4.6 Review of Vocational Education Programs

The maintenance of a QC system for vocational education requires the periodic review of the goals, processes, and products of the vocational instruction.

The Superintendent, OCE, shall review each facility vocational program.

The vocational education review teams shall involve, but not be limited to, supervisors, teachers, and students. These teams may include representatives of the community, labor, and management.

Vocational education programs shall be reviewed on the basis of criteria such as:

- The degree to which objectives are met.
- Job opportunities at State and local levels.
- Curriculum materials development/revision.
- Adequacy of physical facilities and equipment.
- TAC participation.
- Administrative support.

Instructors may be evaluated by:

- Self.
- Peers.
- Persons external to the system.
- Supervisors.
- Students.

101010.4.7 Policies Governing Apprenticeship Training

Apprentice training programs shall be developed in vocational education, plant operations, PIA, and business services where appropriate. These shall be submitted to the Superintendent, OCE, for approval.

Standards required by the local joint apprenticeship training committee shall serve to guide facility staff in establishing and maintaining effective apprenticeship training programs. Indentured inmates enrolled in vocational training programs shall complete competency based curriculum as a prerequisite to the curriculum standards required for the apprenticeship training.

Joint apprenticeship training committees shall meet regularly to provide advice and guidance to apprenticeship program staff and students.

Inmate apprentices receiving OJT with plant operations, PIA, or business services shall receive related and supplemental instruction through facility education departments.

DAS approved curriculum shall be used in all apprenticeship programs established by the Department and local joint apprenticeship training committees.

An inmate apprentice may be considered for assignment to day labor projects after six months in an apprenticeship program and recommendation by the education staff. Apprentices shall be given first priority in the assignment of inmates to day labor projects if they meet custody and classification criteria.

Inmate apprentices shall not be removed from an apprentice-training program for other than custodial, medical, or legal reasons unless approved by the facility apprenticeship coordinator.

An inmate is to be retained at the facility and in the apprenticeship program from the time their name is submitted to the joint apprenticeship training committee for indenturing.

The facility apprenticeship coordinator shall write a chrono notifying the classification committee, inmate's counselor, inmate assignment office, and the inmate of their apprenticeship assignment. The chrono is placed in the inmate's C-File. If the inmate fails to become indentured, the facility's apprenticeship coordinator shall inform the same individuals or committees as above. All apprenticeship assignments shall be made by the facility apprenticeship coordinator.

Inmate apprentices shall not be transferred to another facility for other than security, medical, or legal reasons unless the apprenticeship training can be continued at the receiving facility.

- Such transfer shall require a complete assessment of the inmate's training needs.
- It must be determined to be in the best interest of the inmate and their status as an apprentice.

Incentives shall be provided to inmate apprentices for participation and work performance.

Inmate apprentices shall be tracked to ensure that a continuity of apprentice training is maintained and to better match apprentices to available work experience projects. The facility apprenticeship coordinator shall notify the appropriate union and other assisting agencies before the inmate's release.

The Superintendent, OCE, shall maintain a file on each indentured inmate apprentice.

101010.5 Academic Education Policy

All curriculums shall be competency based and structured to require interaction between basic skills and life skills. Academic education curricula include the teaching of skills and information which shall enable the student to:

- Demonstrate mastery of basic skills.
- Demonstrate knowledge of effective life skills.
- Qualify for vocational training.
- Achieve self-awareness.
- Understand the role and responsibility of a citizen in free society.

Each facility's academic program shall establish an academic advisory committee comprised of teachers and other staff, inmates, outside educators and individuals from the community for the purpose of reviewing the academic program and make recommendations to the CDCR Assembly Bill 3005 advisory committee.

101010.5.1 Scope of Academic Education

Academic education includes, but is not limited to, the following:

- ESL.
- Adult basic education (ABE).
- Adult high school.
- Equivalency programs.
- College classes (where feasible).
- Prerelease classes.
- Special programs.

101010.5.2 English as a Second Language (ESL)

Non- or limited English speaking students are to be enrolled in an ESL program to learn to read, write, and speak English. The educational goal is to enable students to be integrated into other educational or facility programs. Certificates of completion shall be awarded each inmate successfully completing the ESL program.

101010.5.3 Adult Basic Education

Students achieving below sixth grade level are to be enrolled in ABE. The curriculum shall include, but not be limited to, the following:

- Reading.
- Writing.
- Speaking.
- Listening.
- Spelling.
- Language.
- Arithmetic.
- Life skills.

Certificates of completion shall be awarded each inmate successfully attaining the following levels of achievement:

- ABE I (0 through 3.9 grade level).
- ABE II (4.0 through 6.9 grade level).
- ABE III (7.0 through 8.9 grade level).

101010.5.4 Adult High School

Students achieving at or above the 9.0 grade level shall be eligible for enrollment in adult high school.

ABE III students may enroll in a General Education Development (GED) preparation course. Upon passing the GED predictor test, the student may sign up to take the GED test or the California High School Proficiency Examination (CHSPE). The cost per student for the examinations and equivalency certificates are to be borne by the facility.

Upon successful completion of the GED or CHSPE examinations, a certificate of equivalency shall be awarded.

Graduation ceremonies shall be scheduled for eligible students.

Upon satisfactory completion of high school graduation requirements, a high school diploma shall be awarded.

The adult high school curriculum shall include, but not be limited to, the following:

- Language (mechanics and usage of language).
- Reading (vocabulary /reading comprehension).
- Mathematics (reasoning/fundamentals).
- Life skills.
- High school courses which meet high school graduation requirements.
- Preparatory courses for the GED or CHSPE program.

101010.5.5 College

Students with a high school diploma, GED certificate, the CHSPE certificate, or a 10.0 grade level of achievement each in reading comprehension/vocabulary and general mathematics are eligible to enroll in lower division college credit courses leading to the Associate of Arts or Science degree.

The SCEP shall approve all college courses paid for with State funds.

Students who have Associate of Arts or Science degrees from accredited colleges or have completed 60 units of lower division course work are eligible to enroll in upper division college credit courses leading to the Bachelor of Arts or Science degree where feasible.

101010.5.6 Inmate College Education Leave

The Secretary may, under PC 2690, authorize the temporary removal from prison of certain inmates to attend college classes.

This leave is exceptional and shall be processed and approved as described in the DOM 62070.7.

101010.6 Prerelease Program

A prerelease program provides the opportunity for inmates to enhance the life skills necessary for success on parole. Through a systematic process, specific classes and services are provided to acquaint, prepare, and assist inmates for successful reentry into the community. A prerelease program is a process designed to bridge the gap from dependent facility living to successful, self-directed community adjustment. The prerelease program is available to inmates in prerelease status, regardless of their eligibility for work furlough or discharge.

101010.6.1 Responsibility

Each facility shall provide a voluntary prerelease program for inmates.

The prerelease program shall be under the direction of the SCEP.

The facility's CRM and facility's Community Correctional Center Coordinator shall assist in obtaining resources outside the facility. This shall include the input and participation of the P&CSD staff, making community contacts, and providing necessary support resources and materials to implement the prerelease program curriculum.

101010.6.2 Requirements

The departmental standardized curriculum for the facility's prerelease program shall be three weeks in duration. The teacher is to be provided one-week preparation time between each three-week prerelease class.

The prerelease program shall be a full-time work/training program for five days a week.

Inmates shall complete this education program no less than 15 days and no more than 45 days before parole from the facility.

Any inmate being paroled to a "federal hold," "hold from another state," or a "deportation hold" shall not participate in this program.

101010.6.3 Curriculum

The prerelease program curriculum shall include:

- Employability skills.
- Communication skills.
- Money management skills.
- Community resources.
- Parole resources.

For further curriculum detail, refer to the CDCR competency based prerelease curriculum.

101010.6.4 Evaluation

To provide for a standardized evaluation, at the conclusion of the prerelease program each participant shall have:

- A list of five objectives to achieve within the first 30 days of parole or release.
- The names and addresses of five public or private agencies available to assist the parolee/leasee in their county of parole.
- Participated in at least one mock job interview.

- A California driver's license/identification card or procedures to obtain one.
- Completed screening for DOR program(s).
- Completed review of PC 290 and H&SC 11590 for registration requirements.
- Received a copy of the "conditions of parole" and "pardon" information.
- Received a map of the location of the parole office to which they are to report.
- Received a pocket job application.
- Received an acceptance or rejection for unemployment insurance.

101010.7 Special Programs

Reasonable accommodation shall be made for those inmates who have documented physical, mental, psychiatric, or learning disabilities to provide access to educational programs.

Educational services may be provided to inmates housed in SHUs.

101010.8 Records

The facility's SCEP shall be responsible for the accuracy and completeness of educational records when inmates are received, transferred, or released.

The facility's SCEP shall maintain accurate records of all educational achievements and report these data annually on the year-end report.

Records to be Maintained and Data to be Reported

The following data shall be reported, and the certificates listed shall be issued. Other certificates, in addition to those required, may be issued:

- Number of:
- Certificates of completion ESL.
- Certificates of completion ABE I.
- Certificates of completion ABE II.
- Certificates of completion ABE III.
- GED high school equivalency certificates earned.
- High school diplomas earned.
- College courses completed.
- College degrees earned.
- Certificates of achievement, vocational education.
- Certificates of completion, vocational education.

An official copy of the GED test scores shall be maintained at the facility's education office as a permanent record on each inmate who takes the test.

An official copy of the State of California transcript of high school record shall be maintained as a permanent record at the facility's education office on each inmate working toward a high school diploma.

101010.8.1 Transcript of High School Record

Transcripts of educational records to outside agencies or schools shall be made on the State Department of Education Transcript of Record Form.

101010.9 CDC Forms, Records, and Reports

The following official CDC forms shall be:

- Posted daily:
 - CDC Form 151, Permanent Class Record Card.
 - CDC Form 191, Inmate Time Card.
 - CDC Form 1697, Inmate Work Supervisor Time Log.
- To report quarterly and at termination or at the end of the college term:
 - CDC Form 128-E, Education Progress Report.
- A CDC Form 153, Vocational Training Evaluation Report (recording section), shall be prepared for each inmate at the time of enrollment, retained by the instructor in the student file, updated quarterly, and completed at termination.
- Only file copies of CDC Form 154, Transcripts of High School Records, and official report of test results of GED shall be retained.

101010.10 Education Reports

Monthly

The SCEP shall prepare the monthly education report. One copy of the report shall be sent to the Superintendent, OCE, by the tenth working day of the month. The report shall reflect the month's educational activities. Changes in the format shall be permitted only with the specific approval of the Superintendent, OCE.

Quarterly

The SCEP shall prepare the quarterly report. One copy shall be sent to the Superintendent, OCE, by the tenth working day of the month following the end of the quarter. Changes in format shall be permitted only with the specific prior approval of the Superintendent, OCE.

The following reports are due quarterly:

- Budget report.
- Prerelease report.
- Library report.

Annually

The SCEP shall prepare the annual education report. One copy shall be sent to the Superintendent, OCE, by the tenth working day of the month following the end of the fiscal year. The report shall reflect the year's educational activities. Changes in the format shall be permitted only with the prior approval of the Superintendent, OCE.

101010.11 Regulations and Work Schedule Pertaining to Staff

State civil service rules provide for a minimum workweek of 40 hours.

The standard minimum hours of instruction for full-time civil service and contracting school district teachers shall be 30 hours per week. The Superintendent, OCE, shall approve in advance all exceptions to this schedule.

Preparation Time

In conformity with regularly accepted public school practice, all full-time academic and vocational instructors shall be allowed the equivalent of one hour per day preparation time. The SCEP, with the approval of the Warden, shall determine the time of day set aside for this purpose.

Time set aside for preparation shall be utilized for educational purposes. This shall include, but not be limited to, the following:

- Development of lesson plans.
- Prepare inmate timekeeping records.
- Writing or updating course outlines.
- Curriculum development, etc.

The SCEP, SVI, and the Supervisor of Academic Instruction shall see that the time is used for the purpose for which it is intended.

The education staff at each facility shall be given at least three days at the end of each quarter. This time may be used for such activities to include, but not limited to, the following:

- Complete quarterly student reports.
- Post student achievement on CDC Form 154.
- Attend facility/education training.
- Work on curriculum revision.
- Make industrial/program visitations.
- Prepare lesson plans.

Teacher Assignment

The SCEP shall assign teachers/instructors to educational programs.

Teachers/instructors shall be assigned to programs compatible with their credentials.

Special education programs shall be taught by appropriately credentialed teachers.

Teachers/instructors shall be provided duty statements and job descriptions for their assignments.

101010.11.1 Incentive Salary Increase

Teachers/instructors shall be considered eligible for an incentive salary increase if they:

- Receive less than Range F under the regular pay plan.
- Or receive less than Range P under the 10-12 pay plan (see Unit 3 contract).
- Complete six semester or nine quarter units of college level courses approved by their department, taken after appointment.

An employee shall receive only one incentive increase in any calendar year.

101010.11.1.1 Criteria for Course Selection for Incentive Salary Increase

Courses shall be selected to ensure direct contribution to the improvement and upgrading of the teacher/instructor in their work.

The teacher/instructor shall prepare a CDC Form 401, Request for Education Leave and/or Salary Incentive Courses, and route it to the SCEP after

supervisor approval. The teacher/instructor shall secure approval before enrolling in the course(s).

The SCEP shall determine that the course(s) will contribute to the improvement and upgrading of the teacher/instructor as it relates to their work before approving the request.

Incentive salary courses require the approval of the Supervisor of Academic or Vocational Instruction and the SCEP.

101010.11.2 Uniformed Personnel for Searches

The Department shall make efforts to provide uniformed personnel to perform required inmate searches. The Warden may require education staff to perform searches of their students on a temporary basis because of unavailability of uniformed personnel. In such cases, the facility shall provide instruction to the education staff.

101010.11.3 Facility Emergencies

During an extreme emergency, teachers/instructors shall be assigned as required to custodial or other duties for which they have received instructions.

During an emergency or lockdown, teachers/instructors may be required to perform other duties as needed, consistent with their professional skills or for which they have received instructions.

101010.11.4 Inmate/Student to Teacher/Instructor Ratios

Refer to Unit 3 Contract.

101010.11.5 Use of Teachers/Instructors for other than Instructional Purposes

The use of an academic teacher or vocational instructor for other than instruction of inmates requires prior written approval of the Superintendent, OCE (except during an emergency). The SCEP shall prepare such a request for the Warden's signature and submittal to the Superintendent, OCE, for approval. The request shall contain:

- A clear and concise justification for the request.
- A description of the duties to be performed.
- The length of the assignment.
- An explanation of how the inmates currently assigned to the teacher/instructor shall be programmed.

101010.12 Business Budgetary Procedures

The SCEP shall, by the end of the third quarter, submit to the Superintendent, OCE, projected budgetary needs for the next fiscal year for each of the following areas:

- Law library.
- Inmate library.
- Academic operating expense.
- Vocational operating expense.
- Contract education.
- Education leave.
- Equipment.

101010.12.1 Preparation and Submission of the Academic Agreement and Contract Transmittal

Revised May 25, 1993

CDC Form 930, Academic Agreement shall be used in contracting academic education service with a school district.

Standard Form 15, Contract Transmittal and Pre-evaluation Form, shall be used and completed in the transmittal of the academic agreement.

Academic contract agreements shall be negotiated between the facility staff and school district boards of trustees or colleges for the ensuing fiscal year prior to the final date enacted for the initiation of the yearly contract for tenured teachers.

The total amount of the academic contract and/or contracts shall not exceed the facility's allotment for contractual services.

The academic agreement shall be negotiated within the maximum allowable amount. The maximum amount to be paid to the contractor, beyond that expended for teachers' salaries, shall be in keeping with the rules and regulations of the DOF.

101010.12.2 Accounting and Disbursement of Funds

Revised May 25, 1993

Each facility shall adopt and maintain the following attendance reporting procedure for day and/or evening contract teachers:

- The Graphic Arts Form 83, Daily Attendance Report, or the local cooperating school district's attendance form, if satisfactory to both the

local school district and the facility's Business Manager shall be used. After certification by the SCEP, one copy shall be forwarded at least once each month to the accounting office and one copy forwarded to the local school district.

- Invoices are to be submitted by the school district to the office of the Business Manager at least quarterly. The number of copies to be submitted is to be determined by the Business Manager.

The office of the Business Manager shall audit each invoice against the attendance records that have been credited by the education unit timekeeper.

For proper recording of payment for the services rendered, the school district shall record on the reverse side of the invoice a listing of salary payments to each district instructor showing name, date, and amount. The facility may also require the warrant number be shown on the invoice if local circumstances indicate this is desirable. The Business Manager shall record on the face of the invoice the date the contract is approved by the DOF.

The Business Manager shall maintain accounting records in order to keep the SCEP and the school district fully informed of the availability of funds specifically appropriated for maintaining the program.

The attendance records are to be retained with a copy of the invoice and shall remain on file with the Business Manager for a sufficient period of time to permit a complete audit by the DOF.

101010.13 Revisions

The Deputy Director, Division of Education, Vocations and Offender Programs, or designee shall be responsible for ensuring that the contents of this Section are kept current and accurate.

101010.14 References

PC §§ 290 and 2690.

H&SC § 11590.

SPB Rule 91.1, 98.9, 369, and 370-374.

GC § 19335.

Unit 3 Contract.

EdC.

ACA Standards.

DOM § 62070.

ARTICLE 2 — DIVISION OF ADDICTION AND RECOVERY SERVICES

Revised June 26, 1998

Updated April 5, 2007

101020.1 Policy

The Division of Addiction and Recovery Services (DARS) is established within the Department to serve as the centralized point of substance abuse program development, management, coordination, and administration of all program funds.

101020.2 Purpose

This Section describes the substance abuse program design, administration, goals, objectives, programs, and responsibilities of DARS.

101020.3 Responsibilities

Assistant Director

The DARS is managed by a Director who reports to the Chief Deputy Secretary, Adult Programs, and is responsible for establishing and maintaining CDCR's overall substance abuse program effort.

Primary Responsibilities

The DARS is the primary unit in CDCR with the following responsibilities:

- Develop CDCR standards for substance abuse programs to insure that inmates housed within CDCR's institutions/facilities and parolees supervised within the community receive consistent, quality programs likely to impact the drug use and crime continuum.
- Develop new and innovative programs and create pilot substance abuse programs in CDCR institutions/facilities and community settings.
- Monitor program implementation and audit program operation.
- Develop regulations implementing the operation of substance abuse programs in order to assure consistent program development.
- Serve as the centralized point of grant management for substance abuse related grant projects. In this role, DARS will seek and review potential grant sources that may provide assistance in furthering CDCR's plan.

- Establish a strategic plan to address offender need for substance abuse program services, strategic plan progress, and the status and delivery of program services to CDCR's offender population.

Resources

The DARS is responsible for maximizing the use of available resources to serve this critical population.

Linkages and Consults

The DARS establishes linkages and consults with other agencies and entities involved in associated activities, such as, the Department of Alcohol and Drug Programs (DADP), DMH, Department of Rehabilitation (DOR), and the Department of Social Services (DSS). Federal agencies, including the Center for Substance Abuse Treatment, Bureau of Justice Assistance, National Institute of Corrections, and the Department of Education, are also sought to consult in the expansion of CDCR's substance abuse effort.

New Programs

At the onset of the implementation of each new substance abuse program or effort:

Institutions/facilities and Parole Regions shall coordinate all new substance abuse program planning and implementation with DARS.

All programs shall include a plan, approved by DARS, to collect basic data that describes the inputs and outputs of the program. Program data are basic to determining the effectiveness of substance abuse programs for inmates and parolees, and to obtain and maintain public funding.

Annual Report

By December 31 of each year, DARS prepares an annual report describing and analyzing overall substance abuse efforts, including progress on the strategic plan and all available statistics. The report includes data for the fiscal year ending June 30.

101020.4 Substance Abuse Program Philosophy

Many factors influence the program philosophy of substance abuse program services in the correctional setting. The individual characteristics of program participants, expectations of correctional staff, demand for public safety, availability of funds, program content, program intensity, and cost-effectiveness of programs are principal elements influencing program philosophy and the utilization of services. The most effective strategy for addressing challenges posed by these diverse variables is the establishment of a comprehensive continuum of programs and services that are made available to inmates and parolees at various stages of their recovery from alcohol and other drugs.

The Department's comprehensive correctional substance abuse strategy provides a balanced distribution of services to both inmates and parolees by acknowledging that the participants represent the most severe segment of the substance abusing population. Extended exposure to a full array of substance abuse program services during periods of incarceration and parole provides the most favorable opportunity for reducing recidivism and criminal activity.

The program authorized by CDCR establishes an in-prison substance abuse service system that is fully integrated with a community-based service model. In addition, CDCR also agrees to administer and manage programs as described in cooperation with selected state and local government agencies.

101020.5 Substance Abuse Program Goals and Objectives

The primary goals of the substance abuse program are to reduce the incidence of relapse and recidivism among substance abuse program participants, promote pro-social behavior that will enable the participants to exhibit satisfactory conduct within the facility, and to successfully reintegrate back into the community.

The objectives of the substance abuse program are that services shall be made available to inmates and parolees addicted to alcohol and other drugs for their condition and its underlying causes.

101020.6 Program Administration

Program administration consists of the elements of interagency cooperation and program management.

Interagency Cooperation

In order to make effective use of existing community services and to accomplish the program design, CDCR works in cooperation with DADP, DOR, DMH, and DSS for the purpose of designing and funding programs and providing substance abuse program services.

The CDCR may disburse funds to local substance abuse service providers through an interagency agreement with DADP. DADP contracts with local government agencies to provide substance abuse program services through private and public providers.

Program Management

The DARS retains administrative responsibility for CDCR's substance abuse program contracts and serves as the primary liaison between private contractors and participating government agencies and representatives. DARS staff are responsible for coordinating private contractor access to institutions/facilities, parole field units, and offender records (when necessary/appropriate).

The DARS reviews and approves program content and operation to maintain a program structure within contract parameters and substance abuse program standards.

The DARS reviews and approves invoices submitted by contract agencies related to work performed on DARS managed programs.

The DARS monitors the collection of program and participant data and maintains records in cooperation with substance abuse program providers and participating government agencies. All programs funded through CDCR require the development, maintenance, and reporting of program management information as determined by DARS.

101020.7 Revisions

The Director, DARS, or designee, shall be responsible for ensuring that the contents of this Section are kept current and accurate.

101020.8 References

CCR (15) (3) § 3901.9.4(e).

ARTICLE 3 — INMATE ACTIVITY GROUPS

Revised September 26, 1991

Updated April 5, 2007

101030.1 Policy

The facilities shall initiate leisure time inmate activity groups which promote educational, social, cultural, and recreational interests of inmates.

Group and individual activities which violate the law or rules and regulations of The Secretary shall not be permitted.

Inmate clubs, activity groups, associations, or other organizations within the facility are permissible only when specifically approved by the Warden and are in compliance with this Section. When reasonable cause exists, including but not limited to noncompliance with CCR, facility approved by-laws for the group, etc., the Warden has the authority to disband any previously approved club, activity group, association, or organization operating within the facility.

101030.2 Purpose

This Section provides standards for organization and proper administration of inmate activity groups.

101030.3 Approval of Activity Groups

Authority to approve the formation of inmate activity groups is restricted to the Warden.

101030.4 Group Plan of Operation

Any group of inmates desiring to organize and function as an activity group shall submit a plan of operation to the Warden for approval by the chain of command.

The group plan of operation shall conform to facility guidelines and include the following:

- The group's proposed name shall reflect the general nature and interest of the group.
- The purpose of the group, membership, frequency and type of meetings, size limitations, outside affiliation, and delineation of group's governing body.
- By-laws shall be reviewed at least annually by the Warden, or designee, and updated when changes are approved.
- The Warden can terminate an activity group for reasonable cause.

101030.5 Activity Group Criteria

Each activity group's plan of operation shall include and be consistent with the following criteria:

- Establishment and operation of any activity group requires agreement of a permanent full-time employee to serve as the group sponsor.
- One or more co-sponsors may also be required depending on the complexity of group activities.
- The activity group's purpose and activities shall not violate or conflict with laws, rules, and regulations of the Secretary, or the Department's procedures.

- The group members, or individuals representing the group, shall not advocate or support disruption of order or hinder lawful authority.
- Membership shall not be denied because of the inmate's race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, age, or sexual orientation.
- Membership fees, dues, or donations to the group shall not be a condition of membership or for participation in the group's activities.
- Any funds or property collected by the activity group shall be administered in accordance with DOM 53110, Charitable Fund Raising Campaigns.
- Group meetings and correspondence shall be conducted in a language readily understandable by the group's sponsor, co-sponsor, or other employee supervising the activity.
- A group shall be permitted only if it provides a benefit to the participants justifying the use of state staff time, materials and facilities. Determination of benefit shall consider the following:
 - Whether the group is unnecessary because the benefits are available through existing facility programs or activity groups.
 - Space is available for meetings and activities.
 - Participant's ability to repay state costs and meet future financial obligations.
 - Whether the group shall benefit or disrupt general facility operations and nonparticipating inmates.
 - Whether participation shall assist the inmate to return to a normal life upon release.
 - Whether the group shall interfere with normal programs established to meet the needs of the inmate work/training incentive program.

101030.6 Group Administrator

The Warden shall designate an associate Warden as Group Administrator to supervise the activities of all local inmate activity groups.

Responsibilities

The Group Administrator shall:

- Review proposed inmate activity group plan of operation and recommend in favor of or against approval by the Warden.
- Make personal contact with inmates, staff and outside participants to ensure that everyone concerned understands the plans of operation.
- Audit inmate group activities to ensure that plans of operation are followed.
- Select and train group coordinators and sponsors.
- Maintain a current list of approved inmate activity groups, including a list of members and officers of the groups, and a copy of their plans of operation.
- Review and approve or deny requests for outside participants to attend inmate group activities.
- Arrange for temporary supervision of groups when the sponsor cannot attend a scheduled meeting.

101030.7 Group Coordinator Responsibilities

The Group Administrator shall designate one or more staff members at not less than Lieutenant or CC-II level to function as Inmate Activity Group Coordinators.

The Group Coordinator shall:

- Schedule group meeting times and places.
- Assist in audit of group activities by frequent attendance of each group's meetings at least once each quarter.
- Screen requests for outside participant attendance at group meetings or special activities.
- Recruit and train personnel to act as Inmate Activity Group Sponsors and Co-Sponsors.
- Audit annually all group funds and expenditures.

101030.8 Group Sponsors and Co-Sponsors

Group sponsors and co-sponsors shall be full-time permanent employees who have completed probation.

Sponsors and Co-Sponsors shall:

- Submit a request to sponsor an inmate activity group to the group coordinator for approval.
- Learn their responsibilities as defined in this procedure.

Updated April 5, 2007

- Review the group's constitution and by-laws to familiarize themselves with the group's philosophy, goals, and approved operating parameters.
- Review and approve all correspondence to and from the group.
- Assist inmates with preparation of proposed plans of operation which shall meet the criteria for approval by the Warden.
- Assist the group coordinator, the group administrator, and the Warden as necessary in their review and understanding of the proposed plan of operation.
- Ensure that constitution and by-laws are reviewed annually, updated when necessary, and submitted through the group administrator for approval by the Warden.
- Assist the group coordinator in scheduling meeting times and places.
- Attend all meetings held by the group or, if unable to attend, arrange for attendance and supervision by a co-sponsor or other authorized employee.
- Cancel any meeting for which proper supervision cannot be provided.
- Audit group's activities, attitudes and inclinations as reflected in the verbal and written matter of the group and its members.
- Report any deviation or diversion of the group's interest that are beyond acceptable limits or require the attention of other facility staff.
- Review requests for outside participation in group meetings or activities. Assist in identifying proposed guests and evaluate the impact of their presence on the group and security of the facility.
- Submit lists of proposed outside participants in advance of the meetings/activities to the group coordinator for approval.
- Require that outside participants receive orientation regarding participation in group activities.
- Supervise orientation of new group members on policies and procedures of the group.
- Maintain attendance records of outside participants and group members.
- Prepare and submit monthly activity report.
- Propose that publicity or promotional material shall not be distributed until approved and signed by the sponsor, who shall present it to the group coordinator before posting or distribution.
- Evaluate requests for copying or printing of group material. If a document is approved for reproduction, the sponsor shall sign each page and attach a signed note to the document indicating the number of copies authorized. Paper shall be provided by the group. The request shall be forwarded to the group coordinator for approval prior to duplication.
- Screen any written material, books, pamphlets, tracts or lesson plans, etc., including photographs, pictures, drawings or posters donated by outside participants as well as video cassettes, movies or other visual aids. Document approval or disapproval.
- Approve/disapprove and sign all group trust withdrawal requests.
- Submit pay vouchers to the group coordinator.
- Inform the group coordinator if no longer interested in sponsoring a group.

101030.9 Outside Participation in Inmate Activity Groups

The participation of outside guests in group meetings and activities shall be by the invitation of the group sponsor.

All guests shall be processed as described in DOM 31040, Volunteers.

The number of guests at any regular meeting or special event shall be approved by the Warden.

Annual Banquets

Each approved activity group may be allowed one banquet per year.

Charges for meals will be in accordance with DOM 54080, Food Services.

101030.10 Revisions

The Deputy Director, Division of Education, Vocations and Offender Programs, or designee, shall be responsible for ensuring that the content of this Section is kept current and accurate.

101030.11 References

CCR (15) §§ 3020, 3233, 3235, 3237, and 3263.

ACA Standards 2-4456, 2-3359 and 2-4455.

101040.1 Policy

Each Warden shall provide a recreation and physical education program that will maximize inmate participation under conditions that are safe and secure. Inmates may be afforded an opportunity to engage in a variety of activities consistent with their custody classification, privilege groups, security requirements, health status, and any documented or demonstrated special need.

Recreation and Physical Education programs are founded on six broad goals providing inmates opportunities for achievement through participation in a range of programs that promote the following:

- Physical activity.
- Physical fitness and wellness.
- Movement skills and movement knowledge.
- Social development and interaction.
- Self-image and self-realization.
- Individual excellence.

101040.2 Purpose

This Article provides staff responsibilities and criteria for the administration of institution/facility recreation and physical education programs.

101040.3 Responsibility Recreation and Physical Education Programs.

The Supervisor of Correctional Education Programs (SCEP) or designee shall provide overall supervision and coordination of recreation and physical education activities at their respective institutions/facilities. The SCEP shall:

- Coordinate all recreation and physical education activities.
- Prepare an annual operational budget.
- Supervise the selection, assignment, and training of inmate aides.
- Evaluate and utilize community resources.
- Maintain appropriate records of activities, inventories, and inmate participation.
- Ensure the security and control of program areas and scheduled activities.
- Maintain effective control and utilization of program equipment.

Arts-in-Corrections

Administrative oversight of the Arts-in-Corrections program is the responsibility of the Arts Program Administrator. Direct supervision of artist-facilitators and lead artists at each institution is the responsibility of the Community Resource Manager (CRM) or designee.

Handicraft Program

Administrative oversight of each institution's handicraft program is the responsibility of the Correctional Administrator, Business Services. Direct supervision of the program is delegated to an institutional handicraft manager.

101040.4 Recreational Activities

Inmate access to recreational programs shall be in accordance with the Inmate Work/Training Incentive Program (IWTIP) policy. Participation shall be voluntary, non-credit, accomplished during non-assignment hours, and be dependent on privilege level. Activities may include, but are not limited to, the following:

- Audiovisual programs.
- Visual and performing arts programs.
- Individual sports, such as track and field, jogging, and gymnastics.
- Dual sports, such as handball, horseshoes, table tennis, badminton, and shuffleboard.
- Team sports, such as baseball, basketball, soccer, softball, touch football, and volleyball.
- Social games, such as checkers, puzzles, dominoes, chess, and card games.

Precaution shall be taken to prevent injury during recreational activities. Activities involving unusual danger or risk shall not be permitted.

Gymnasium, field, and/or yard schedules shall be established to provide reasonable access for all eligible inmates. Recreational activities may be available seven days per week.

The Warden or designee may approve special events which feature visual and performing arts activities.

ARTICLE 4 – RECREATION AND PHYSICAL EDUCATION PROGRAMS

Revised July 1, 2003

101040.4.1 Intramural Sports

Intramural sports may be offered for all eligible general population inmates.

Each institution shall establish guidelines to discourage inappropriate domination by any one inmate group. A designated staff person shall select and assemble individual teams.

Intramural sports may include handball, racquetball, basketball, softball, horseshoes, and similar group sports.

101040.4.2 Table Games

Table game leagues and tournaments may be organized institutionally. All eligible inmates may participate in such tournaments.

101040.4.3 Tournaments

Tournaments may be organized institutionally. The variety of competitive activities shall be rotated according to different interests, skills, and cultural considerations.

Announcements of upcoming special events shall be posted in designated areas accessible to all eligible inmates.

Awards and certificates of participation or accomplishment may be purchased with Inmate Welfare Fund monies and offered as awards to inmates participating in tournament activities.

Approved awards shall be delivered to the recipient inmate as soon as possible, but no later than 45 days following approval by the activity/contest coordinator.

101040.4.4 Handicraft

Refer to DOM Chapter 10, Article 5.

101040.4.5 Music Program

Musical activities are encouraged in those institutions with the appropriate facilities and equipment.

Under the supervision of designated staff, inmates may schedule practice sessions in designated areas.

101040.4.6 Movies/Videos

Movies and/or videos may be selected and scheduled for viewing, in advance, on a quarterly basis. This schedule shall be submitted through the established chain of command for approval by the institution head or his/her designee (reviewer) prior to the beginning of each quarter and the approved schedule shall constitute the institutional discretionary viewing list.

Only movies/videos with a Motion Picture Association of America (MPAA) rating of General (G), Parental Guidance (PG), or Parental Guidance (PG-13) may be considered for general viewing by the inmate population. Movies/videos with Specially Edited Down (SED) rating may be viewed in accordance with the provisions of this Section.

Movies and/or videos, which have not been rated or have been rated other than G, PG, or PG-13 and are intended for specified limited inmate viewing purposes, such as education or contracted service vendor programs, shall be previewed at the institution/facility level.

Previews shall be conducted by the Academic Teacher Recreation/Physical Education (ATRPE) or designee.

A movie or video not originally rated G, PG, or PG-13, but through editing has been "reduced" to the content equivalent of a G, PG, PG-13, or SED-R rating shall require no more than ATRPE previewing.

All other content or suitability issues may be resolved by the ATRPE through referral to an Institutional Movie Review Committee (IMRC). The IMRC will classify the movie as "acceptable" or "unacceptable." Movies/videos categorized "unacceptable" shall not be approved for general inmate viewing.

The IMRC membership designated by the institution/facility head shall minimally consist of the following individuals or staff representatives: female custodial staff, correctional custody ranks no less than sergeant, medical or mental health staff, and the Supervisor of Correctional Education Programs.

Regardless of a film's MPAA rating, those glorifying violence or considered inflammatory to the climate of the institution shall not be approved for viewing.

A department wide "discretionary showing list" and /or movie review committee may be established by the Secretary.

Inmate committees may be used to assist in the selection of specific movies/videos that are approved by the institution head.

Approval does not require that it be shown by an institution.

The selection or exclusion of a movie and/or video by an institution/facility may be challenged by members of the public by writing to the Secretary, appealed by inmates by following the inmate appeal process, and/or grieved

by staff by pursuing grievance procedures in accordance with their collective bargaining unit's contract and/or memorandum of understanding.

101040.4.7 Television

State-owned television sets may be provided in dayrooms or other areas accessible to general population inmates. Televisions placed in these areas shall not be moved for service, repair, or replacement except by an authorized staff person.

Program schedules shall be decided by majority vote of the inmates in attendance in the dayrooms or other areas used for general population viewing at the time of the vote. A designated staff person shall supervise all inmate-voting activities and post the approved schedule near the television.

Program schedules shall not be moved or changed except by staff.

Any tampering with the television by an inmate, other than those necessary to adjust an approved program, shall be cause for disciplinary action.

101040.4.8 Activity Groups

Refer to DOM Chapter 5, Article 28 for educational, social, cultural, and community interaction-based activities.

101040.4.9 Arts-in-Corrections

The Arts-In-Corrections Program provides leisure time activities administered by the headquarters Arts Program Administrator (APA). This headquarters staff person provides overall supervision for the institutional artist-facilitators or lead artists who are the designated program contact persons. The APA shall provide support, assistance, and ensure activity compliance.

The CRM at each institution shall be designated as the immediate supervisor for the artist-facilitators and lead artists.

Art activities may consist of, but are not limited to, the following:

Literary arts, including poetry, creative writing, playwriting, and book arts.

Visual arts, including painting, drawing, printmaking, calligraphy, and graphic arts.

Performing arts, including music, theater, and dance.

101040.4.10 Weight Lifting

Inmate recreational weight lifting activities shall not be permitted at California Department of Corrections and Rehabilitation institutions/facilities.

101040.5 Recreation and Physical Education Programs

The institution's education department shall make available to eligible inmates a recreation and physical education program with adopted standards. These standards shall be based on six related disciplines: biomechanics and kinesiology; exercise physiology; motor learning; psychosocial development; growth and development; and the humanities.

An Academic Teacher, Recreation and Physical Education, shall coordinate and provide direct supervision of the recreation and physical education program.

The program shall be based upon the adopted Recreation and Physical Education Curriculum Framework adopted by the Board of Education. Course outlines shall be developed at each institution representing the institution's program. Daily lesson plans shall reflect the course outline.

Inmate access to physical education shall be in accordance with IWTIP policy and procedures. Participation shall be voluntary, non-credit, accomplished during non-assignment hours, and be dependent on privilege level.

Minimum unduplicated enrollment for physical education shall be determined by multiplying the adopted ratio and the adopted hours per day's factor, yielding total program participants.

Several components of the recreation and physical education program require specialized instruction and/or training. These components include, but are not limited to, the following:

Physical education (non-credit earning).

Physical fitness training program, (credit earning full-time assignment).

Fitness for life, (non-credit earning unless offered as part of a full-time education assignment).

Healthful living, (non-credit earning unless offered as part of full-time education assignment).

Funding for these recreation and physical education components may be provided by the Education and Inmate Programs Unit, established by formula, and distributed as an annual allotment, which shall be made part of an institution's overall education program budget.

These education program components shall meet the adopted program-wide teacher/inmate ratio.

Whenever possible, instructional resources for these program components shall be compiled on a standard list and placed on contract.

101040.5.1 Physical Fitness Training Program

This training class is designed to evaluate, prepare, and test the physical and mental preparedness of inmates for admission into a Department of Forestry and Fire Protection Training Program and eventual assignment to a California State Conservation Camp as a firefighter, emergency transport vehicle attendant, or for support services.

Inmates shall possess a recent medical clearance authorizing their participation in emergency firefighting activities. This clearance, and the inmate's possession of a Minimum B custody designation, shall be conditions of transfer to any institution for placement in a Physical Fitness Training (PFT) class.

The SCEP or his/her designee shall provide supervision of PFT classes.

An Academic Teacher, Recreation and Physical Education, shall coordinate and/or instruct this program at each applicable institution. The assigned teacher shall be responsible for recording and reporting all training time and absences of inmates assigned under his/her supervision. A CDC Form 191, Time Card, shall be used to record the training time of assigned inmates.

The PFT involves competency testing in activities measured by specific count, time frame, or strength demonstration. These measured activities shall be specified in the adopted curriculum framework.

An inmate must successfully complete PFT prior to being admitted into the forestry training program.

101040.6 Recreation and Physical Education Equipment

Each institution/facility may provide the clothing, equipment, and supplies necessary for a variety of recreational and physical education activities. Strict accountability of items issued to inmates shall be maintained by utilizing a staff-supervised checkout system.

101040.7 Conservation Camp Programs

Conservation camps shall provide recreation and physical education program opportunities for their respective inmate populations. These opportunities shall be compatible with camp operations, staffing, and the geographic location of the camp.

101040.8 Inmate Aides

Inmate aides are valuable resources when trained and properly supervised. Inmate aides shall be selected on the basis of their relationships with other inmates, previous work record, attitude toward staff, and desire to work.

These aides may serve as program assistants, activity leaders, and sports officials performing the following functions:

Supply clerks, issuing program supplies under the supervision of designated staff.

Record keeping of equipment and supplies under the supervision of designated staff.

Preparation and distribution of program announcements and flyers.

Facility and equipment cleaning and maintenance duties.

101040.9 Recreation Committee

A recreation committee may be established at each institution. Composition should include staff and inmates. This committee may be used to provide input and offer recommendations on recreational and physical education programming.

Inmate participants shall be composed of a cross-section of inmates eligible to participate in the program.

101040.10 Community Interaction

Community participation in institutional recreation and physical education activities shall be encouraged. Community volunteers may be utilized in accordance with institution/facility's Operational Procedures.

101040.11 Revisions

The Director, Division of Adult Institutions, shall ensure the contents of this Article are current.

101040.12 References

California Code of Regulations, Title 15, sections 3220, 3223, 3233, and 3234.

ARTICLE 5 — HANDICRAFT PROGRAMS

Effective January 2, 1990

Revised April 5, 2007

101050.1 Policy

The Department permits inmates' constructive use of their leisure time activities. A handicraft program is established to provide a controlled means for obtaining the necessary materials and equipment and for the release of manufactured articles.

101050.2 Purpose

The handicraft program allows constructive use of the inmates' leisure time by affording them a program in which they may expand their creative potential. The program provides a means for the inmates to earn money to help supplement their financial resources. This Section provides for proper organization and administration of the handicraft program.

101050.3 Responsibility

Revised July 20, 1992

The inmate handicraft program is to be operated under the administration of the Associate Warden, Business Services. The handicraft manager provides direct supervision and implementation of the program.

101050.4 Inmate Eligibility

Inmates assigned Work/Training Group A or B, by a classification committee, are eligible to participate in the handicraft program. Any inmate who abuses their handicraft privileges shall be subject to loss of eligibility to participate. Inmates assigned to AD-SEG are not eligible to participate in the handicraft program.

101050.4.1 Approval of Inmate Applicants

Revised July 20, 1992

The handicraft manager, after interviewing applicants, shall approve/disapprove the CDC Form 165, Application for Handicraft Privilege.

The handicraft manager shall grant approval only after he/she is satisfied that the applicant:

- Possesses the manipulative potential required in the craft.
- Intends serious participation in the program.

If the application is disapproved, it is returned with an explanation to the inmate. If approval is granted, the handicraft manager shall forward the application to the captain for approval/disapproval.

101050.4.2 Revocation of Privilege

Inmates in violation of handicraft program policies shall be suspended from the program. Such suspension through disciplinary action shall be for a specific period of time in keeping with the seriousness of the specific violation. Participation in any handicraft program or project may be terminated or suspended as a result of classification committee action.

- Upon suspension or termination of handicraft participation through disciplinary action, classification committee action, or upon the inmate's voluntary termination, all personally owned handicraft tools and materials shall be shipped to any person in the community designated by the inmate at the inmate's expense. Tools and materials shall not be retained in long-term storage within any facility.
- The handicraft manager shall remove from the rolls those participants who have become inactive by:
 - Failing to place an order for three months; and/or
 - Failure to offer an item for sale for a three-month period.

101050.4.3 Number of Inmates Allowed to Participate

Inmate participation is limited by the available handicraft space in each facility. Fifty percent of the inmates participating in handicraft may be involved in in-cell hobby only. No waiting lists shall be maintained. When inmate participation drops, open enrollment periods shall become available on a first come/first serve basis.

101050.4.4 Indigent Inmate Loan Requests

Loan requests may be submitted to the handicraft manager and if approved, the manager shall sign the request and forward the request to the trust office for verification of indigent status. After verification the trust office shall sign and forward the request to Business Services for final disposition. If approved, the handicraft manager shall submit the request with a copy of the CDC Form 167, Handicraft Order, to the Inmate Welfare Fund accounting office. The loan shall be posted on the inmate's trust account as an obligation for the hobby order until the loan is paid in full. The amount of the loan will reduce the available budget for the institution's hobby program.

- When the loan is made, the inmate shall complete a CDC Form 193, Trust Account Withdrawal Order.

- If the inmate is transferred, paroles, escapes or expresses a desire to withdraw from the program prior to repayment of the loan, all raw materials shall be retained by the handicraft manager.
- A loan will only be deemed uncollectible if/when the borrowing inmate has either paroled or discharged from the CDCR.

101050.5 Handicraft Activity

All activities in the manufacture of finished handicraft articles shall occur only during leisure hours. Inmates shall not participate in handicraft during their normal work assignments.

Shop Activity

- The handicraft manager shall publish a schedule of operations for the handicraft shop/classroom that allows maximum access by inmates during their off-duty hours.
- The area shall be cleaned daily prior to closing. Failure of any inmate to participate or assist in the shop clean-up shall result in suspension of their handicraft privileges.

Living Area Activity

Handicraft work done in-cell shall abide by the following guidelines:

- Shall have a handicraft inventory sheet listing all material authorized:
 - One copy shall be taped to the storage locker.
 - One filed in the participant's handicraft folder in the hobby shop.
 - One filed with the captain.
 - One in the inmate's possession when transferring material between in-cell area and the handicraft shop.

Inventory sheets require the following signatures:

- Handicraft Manager.
- Captain.

Only those items authorized and listed on the inventory sheets shall be allowed. All other handicraft items shall be confiscated. The volume of handicraft in the cell shall conform to CCR 3191.

101050.5.1 Handicraft Activity Card

All inmates approved for the handicraft program shall be issued a CDC Form 133, Inmate Activity Card. All CDC Form 133's shall have an expiration date of six months and it shall state the type of handicraft the inmate is authorized to perform. Requests for renewal shall be reviewed by the handicraft manager. Inmates who have not completed any finished articles shall be deemed disinterested and shall not be eligible for renewal for the next six months.

101050.6 Items to be Manufactured

Items to be manufactured shall be limited to those approved by the handicraft manager. Criteria for approval shall be the ability of the inmate, cost of the materials, size, tools, and availability of the finished items. Specific articles that may be manufactured are as follows:

- Leather craft: Wallets, purses, belts, change purses, key cases and holders, dog collars, moccasins, sandals, photo albums, bowling bags, brief cases, watchbands, pouches and whistle snaps.
- Woodcrafts: Picture frames, jewelry boxes, inlay and overlay work, lamps, chess sets and checker boards.
- Jewelry: Earrings, Necklaces, bracelets, pins, tie clasps, belt buckles, rings, broaches, pendants and key chains.
- Art: Painting (Oils, pastels, water colors, and charcoals), drawings, engravings, and black prints.
- Knitting and weaving: Caps, scarfs, purses, sweaters, afghans, pictures, mittens, doilies, bookmarks, glass cases, rugs, and baby items.
- Ceramics: Mosaics, cups, mugs, bowls, plates, wall plaques, statuary, lamps, figurines, ash trays, and jewelry boxes.
- Cellophane: Jewelry boxes, photo albums, and picture frames.
- Macramé: Wall hangings, plate hangers, belts, bags, mats, and curtains.
- Models: Cars, trucks, boats, and planes.

Any article not listed above shall be approved by the handicraft manager before the ordering of supplies and materials.

Handicraft File

A handicraft file shall be initiated for each inmate in the program. This file shall contain all documents pertaining to:

- Special orders.
- Agreements signed.
- Loan applications (if applicable).

- CDC Form 166.

Inventory sheet listing all material authorized for handicraft work done in-cell.

101050.7 Handicraft Tools and Materials

Approved tools and materials for the handicraft program shall be purchased through approved vendors only. Items received from other sources shall be returned to sender or donated to the Inmate Welfare Program. All orders for purchases of handicraft tools and material shall be submitted to the handicraft manager (see CDC Form 167, Handicraft Order, and CDC Form 167-A, Trust Account-Special Purchase Order Only). The handicraft manager and Associate Warden of Business Services shall determine the minimum dollar value for initial handicraft purchases.

Note: The manufacture or alterations of tools shall be prohibited.

101050.7.1 Surcharges

A ten percent charge shall be added to the cost of handicraft tools and materials for handling expenses and shall be deposited into the IWF. An additional charge determined by the handicraft manager shall be added to cover the vendor's handling, tax, insurance and postage. A "hold" to cover all costs shall be placed on the inmate's trust account while the order is being processed. All money left over after payment shall be refunded to the inmates account. Inmates submitting orders with non-sufficient funds shall not be allowed to reorder for 60 days.

101050.7.2 Funds of Inmates Transferred While Awaiting a Handicraft Order(s)

When an inmate transfers after placing an order, the merchandise upon arrival shall be inventoried by the handicraft manager and then forwarded to the institution of transfer. The funds to cover the cost of the purchase shall be retained at the sending institution's trust office until the vendor has been paid. Any money left over after payment shall be forwarded to the trust office at the new institution and accredited to the inmate's account.

- No orders shall be cancelled after submission to the vendor.
- To avoid possible complications and delays in preparing accurate release budgets, handicraft orders shall be submitted and ordered no later than 90 days prior to the inmate's release date.

101050.7.3 Handicraft Items from Other Institutions

The handicraft manager shall approve and inventory all handicraft items received from other institutions. He/she shall store the items until the inmate has been approved for the handicraft program. When the inmate receives the activity card, he/she shall be given the items and shall be permitted to keep them per institutional procedure. Approved tools that are not permitted outside of the handicraft shop shall be stored in appropriate lockers provided. Any tool with a cutting edge or sharp point in excess of 1-1/2" in length shall not be permitted to be in the possession of the inmate outside the hobby shop. No tools shall exceed 4-1/2" overall in length. Any item(s) not approved shall be disposed as follows:

- May be donated to the handicraft program.
- May be mailed to an approved correspondent at inmate's expense.

101050.7.4 Institutional Handicraft Equipment

Handicraft equipment supplied by the institution shall be operated only by inmates specifically authorized by the handicraft manager.

Tools and equipment shall be allotted to the handicraft participants on a first come, first serve basis, with a sign-up list kept by the handicraft manager. The Manager shall monitor the time spent on the machines and ensure that they are not monopolized for an unreasonable length of time by one person.

101050.7.4.1 Handicraft Equipment Safety Policy

Failure to safely operate the equipment with reasonable care and proficiency shall be reason for suspension of privileges for further use. All machines shall have safety devices in place when being operated. Safety goggles shall be worn at all times when operating equipment.

- No repairs shall be made by inmates on any of the equipment other than minor adjustments which shall be performed under the supervision of the handicraft manager.
- Misuse of equipment shall also be reason for suspension of privileges and could result in the inmate being charged for necessary repairs.

101050.7.5 Unauthorized Materials

Any handicraft materials, tools or projects in the possession of an inmate, who is not assigned to the handicraft program, shall be deemed contraband and shall be confiscated. Inmates who loan or give their handicraft items to another inmate without prior specific approval in writing by the handicraft manager shall be subject to removal from the program, and the items confiscated.

- All correctional employees have the authority to confiscate unauthorized handicraft materials, tools, or projects. The confiscated items shall be tagged with the inmate's name and number and then placed in receiving and release for disposition by the handicraft manager.
- Items confiscated shall be disposed of in a manner which includes, but is not limited to the following:
 - Sale in the handicraft store with proceeds to IWF.
 - Donation to a charitable organization.

101050.7.6 Volatile Substances

No handicraft volatile liquids or substances shall be stored in any inmate's living quarters. All volatile substances shall be stored in the handicraft shop, adhering to the controls as set forth in DOM 52030.

101050.7.7 Tool Control

Tool control of state owned tools or inmate owned tools are subject to the provisions as stated in DOM 52040.

101050.7.8 Volume of Handicraft Items

An inmate's handicraft articles, tools, and materials shall not exceed the amount that can be stored in designated storage areas of the facility.

Handicraft materials and equipment when combined with other personal and state property shall not exceed six cubic feet in the inmate living area.

101050.8 Inventory Requirement Handicraft Ledger Card (CDC Form 166)

All handicraft tools and materials received for inmates (purchased or donated) shall be itemized on a CDC Form 166, Handicraft Ledger Card. Upon completion of a handicraft item, an entry shall be made on the CDC Form 166 stating what was completed, cost, and date of completion. The disposition of the item shall also be entered on the form, i.e., donated, sold, mailed out or transferred to individual's personal property. If the item is sold, the receipt number from the bill of sale shall be posted on the form.

If an inmate is authorized to have handicraft work in the cell, all handicraft tools and materials received shall be itemized on a CDC Form 166-A, In Cell Handicraft Ledger. The CDC Form 166-A shall be completed in the same manner as described above for the CDC Form 166.

101050.9 Paroled or Discharged Inmates

Inmates paroled or discharged shall ship, at their own expense, personal handicraft materials prior to their release date or may carry the materials with them upon release. All handicraft materials shall be inventoried and packed by the handicraft manager then delivered to the receiving and release officer. A copy of the list of inventoried materials shall be placed in the inmate's handicraft file and forwarded to the records office for further disposition.

101050.10 Transferred Inmates

Upon receiving notice that an inmate is to be transferred, the handicraft manager shall gather and inventory all the inmate's tools, and raw materials for packing. A copy of the inventory list shall be placed in the handicraft package, a copy in the inmate handicraft files and a copy forwarded to the records officer to be sent to the institution of transfer. Inmates, at their own expense, shall either ship materials to the institution of transfer or to an approved correspondent. They may also donate them to the inmate handicraft program. The handicraft manager shall make arrangements for the packages to be shipped.

Paroled, discharged or transferred inmates shall have thirty days prior to and thirty days after departure to contact the handicraft manager to determine disposition of their hobby materials and tools. If the handicraft manager is not contacted within the time limits, the inmate's hobby possessions shall be considered abandoned property and shall be turned over to the IWF.

101050.11 Inmate Death

Upon notification of the death of an inmate who was involved in the handicraft program, the handicraft manager shall gather, inventory and pack all of the tools, raw materials, finished and partially finished articles belonging to the deceased. The package(s) shall be forwarded to the institution property room. A copy of the inventory sheet shall be attached to the package and a second copy shall be forwarded to the institution's records office with the inmate's handicraft file.

101050.12 Stolen Articles

Stolen or lost handicraft materials, tools, and articles shall be reported immediately by the inmate to the handicraft manager. He/she shall record the missing items and route a memorandum to the unit/division administrator listing the description and other information concerning the theft or missing articles.

101050.13 Repairs

Articles purchased in the handicraft store which are discovered to be defective may be returned with receipt within 60 days of purchase for necessary repair, alteration or renovation.

- Other repairs or alterations of purchased items may be done at a fair charge to the inmate. Sale slips shall accompany all items returned for repair.

101050.14 Donations Citizen

Only the Warden, delegated representative, or the institutional CRM may accept a gift/donation from private, local contributors. When a gift/donation is deemed appropriate for acceptance, the CRM shall complete the CDC Form 922, Authorization to Accept Gift/Donations, following the procedures set forth in DOM 101110.

Inmates

Inmates may also donate handicraft materials and tools to the institution handicraft program. Such articles shall be controlled by the handicraft manager, become the property of the State, and shall be utilized in the same manner as other state owned tools and materials.

101050.15 Gifts

Correspondent/Visitor

Inmates may give gifts of handicraft items produced by themselves to any correspondent or visitor by "gate pickups and mail outs" within the following limits:

- Gate pickups: No limit on gate pickups. Packages remaining at the entrance gate/reception desk for more than two weeks shall be returned to the inmate.
- Mail outs: No limit on mail outs, but all shipping and wrapping charges shall be prepaid by the inmate by signing a CDC Form 193, Trust Withdrawal Slip.
- All gifts shall be searched and sealed by the handicraft manager prior to mailing or gate pickups. All gate pickups and mail outs shall be at the inmate's risk.

Inmates

Inmates, with prior approval of the handicraft manager, may give, donate, or loan handicraft tools and materials to other inmates who are properly enrolled in an approved handicraft program. The recording of transactions shall be made by the handicraft manager.

No gift may be given to or be accepted by an employee of the Department.

101050.16 Inmate Personal Possession

Inmates in the handicraft program may transfer completed articles to their personal possession if such articles conform to DOM 54030. A personal property receipt shall be initiated by the handicraft manager and sent to the property room/Receiving and Release per institutional procedures. Stockpiling of finished products shall not be allowed.

101050.17 Handicraft Sales

Items to be placed on sale in the handicraft store shall be submitted to the handicraft manager for approval. The selling price shall be established jointly by the inmate and Manager. The maximum number of articles allowed to be placed in the handicraft store shall be determined by the handicraft manager based on available space and size of item.

- Inmates, 30 days prior to parole/transfer, shall notify the handicraft manager as to the disposal of such articles. Inmates shall not leave articles for sale after their departure.

101050.17.1 Handicraft Inventory Card

The CDC Form 168, Handicraft Inventory Card shall be filled out for each item placed for sale. Items shall be logged on the inmate's card, and shall be initialed by the inmate and the handicraft manager.

Sale items shall be issued an inventory number. The inventory card is a three-part form and all sections shall be completed by the manager when an item is placed in the handicraft store for sale.

The card shall be distributed as follows:

- Part one of the card with the item description and approved price shall be completed and forwarded to the trust office where it shall be retained.
- Part two shall be attached to the article showing sale price when it is placed for sale in the handicraft store. When the item is sold, a copy shall be attached to a copy of the sales receipt and forwarded to the trust office. The sale price shall be verified to correspond with the amount shown on part one of the inventory card prior to posting the income on the inmate's account. If a discrepancy exists, it shall be resolved at that time by the trust office and the handicraft manager.

- Part three, the inmate's receipt, shall be given to the inmate when the item is placed in the handicraft store. The inmate shall retain this receipt in his/her possession and shall turn it in to the handicraft manager at the time the item is sold or removed from the store.

A proper balance and relationship shall exist between inventoried articles and mail out, sales, and purchases. If such a balance does not exist, an investigation shall be initiated per institutional procedures and directed by the handicraft manager.

101050.17.2 Sales of Displayed Handicraft (CDC Form 168)

Sales of handicraft items shall be limited to those items on display in the Handicraft Store, annual institutional arts and crafts shows, shows in public buildings, fairs or on property operated by a non-profit organization. All proceeds from handicraft sales shall be returned to the institution. No person or organization sponsoring a show shall receive a commission or profit from the sale of handicraft items directly or indirectly.

- A ten percent surcharge shall be added to the established purchase price on all articles placed on sale. When the article is sold this surcharge shall be deposited to the IWF.
- At the time of sale, a sales receipt shall be completed and include the following information:
 - Date.
 - Customer's name.
 - Inventory number.
 - Quantity and brief description of the item.
 - Net price.
 - Sales tax and total price.

Paintings shall include different types of pictures, drawings, sketches and etchings with any frames that are attached.

The following procedures and rules shall apply:

- Purchase of handicraft articles shall be paid for with cash, money order, or cashier checks.
- The IWF shall not be used to compensate any losses in the sales store operation.
- Handicraft articles on display for 3 months may be deemed as unsalable by the handicraft manager and returned to the inmate for approved disposition. Appropriate remarks shall be placed in the inmate's handicraft ledger at the time of disposition.
- The net money received by an inmate for the sale of handicraft articles shall be placed in the individual's trust account.
- All sales shall be recorded in the log book in the handicraft store at time of sale and the handicraft manager shall keep a duplicate log of sales receipts for inventory purposes.

101050.17.3 Special Orders

Special orders between employees and inmates shall first be approved by the handicraft manager and the Warden, or delegated representative, prior to the inmate commencing work on the item. Any contracts an inmate wants to enter into with other than an employee shall first be approved by the Warden or delegated representative. The following shall apply:

- Inmates shall use only material purchased from their own funds to manufacture items specified in the contract.
- The CDC Form 1230, Special Handicraft Contract, shall be assigned an inventory number and filled out in quadruplicate by the handicraft manager who shall obtain the signature of both the contracting employee and the inmate. The price of the item(s) being produced shall be agreed upon and stated on the contract before signing. Prices shall not be changed once they have been established.
- The handicraft manager shall sign the contract and submit it to the Warden or their delegated representative for approval. After acquiring the required signature, the handicraft manager shall distribute copies as follows:
 - Original: Associate Warden, Business Services.
 - Copies: Handicraft office, employee, and inmate.
- The inmate shall purchase materials and commence work on the contracted item(s).
- The handicraft manager shall notify the employee when the contracted items are completed and shall deliver them to the Handicraft Store where the employee shall pick up and pay for the items. No items shall be given to an employee until payment is made in full. The receipt shall

be completed and distributed accordingly with the original copy going to the employee.

- All contracted items must be picked up and paid for within thirty days of notification.
- The handicraft manager shall monitor the contracts and insure that they are completed within the time specified.

101050.18 Inmates' Sub-Contracting

Inmates shall not employ any other inmate(s) in the manufacturing of any handicraft article(s). Inmates may collaborate in the manufacturing of handicraft articles only with prior approval of the institution handicraft manager. All inmates involved in the production or creation shall share in any profit as determined by the institution handicraft manager.

101050.19 Handicraft Store

Completed handicraft articles shall be sold through the handicraft store. The sales shall be recorded on a CDC Form 169, Handicraft Daily Sales Report which shall be prepared in triplicate by the handicraft manager.

Distribution shall be as follows:

- Original to IWF, accounting officer.
- Duplicate to Trust Officer.
- Triplicate to handicraft file.

101050.19.1 Proceeds from Sales

The net amount of monies received by an inmate for the sale of handicraft articles after deductions for handling costs shall be considered as proceeds. Proceeds shall be placed in the inmate's trust account with the exception of those items manufactured from state owned material. Proceeds from these articles shall be deposited to the IWF.

101050.19.2 Sales Tax

Completed handicraft items when sold are subject to sales tax, which shall be collected and remitted to the BOE. Since there will be a duplicate payment of tax on the materials that go into handicraft items that are sold, an adjustment for this duplicate tax may be made when reporting to the BOE.

Materials purchased for handicraft items are also subject to sales tax. If the vendor does not operate under a sales tax permit, the "use tax" is to be accrued and reported to the BOE at the end of the fiscal year. If the handicraft item is not sold, no additional sales tax will be collected.

101050.19.3 Cash Shortages

The IWF shall not be used to reimburse cash or the value of handicraft items lost or stolen from handicraft stores or for checks received from handicraft sales that become uncollectible.

101050.19.4 Store Inventory

The store shall be inventoried at least quarterly by the handicraft manager and annually by the Accounting Officer of the specific institution.

101050.20 Arts and Crafts Shows and Exhibits

Institutions shall hold no more than two arts and crafts shows annually. All of the proceeds from handicraft sales shall go to the institution for disbursement per this Section. No individual or organization shall receive a commission or profit from the sale of handicraft, directly or indirectly.

Each institution or facility may hold one trade fair or art exhibit each year at the institution or facility, in addition to the approved arts and crafts shows, in public buildings, at fairs, or on property operated by nonprofit associations at which no sales are made.

101050.20.1 Length of Shows and Exhibits

Shows and exhibits at institutions shall be limited to four consecutive days, including Saturday and Sunday, outside exhibits may be extended to coincide with the normal period of the particular event, such as a state or county fair. It is desirable that institutions in the same general locale coordinate their plans for shows and exhibits in order to avoid conflict in dates.

101050.20.2 Number of Displayed Articles

In order that the maximum number of inmates have an opportunity to display handicraft items at art shows or public displays, the number of items which any one inmate shall be permitted to display, shall be limited to ten regardless of value.

101050.20.3 Sponsorship

The handicraft manager shall organize the exhibits/shows under the general supervision and sponsorship of the Associate Warden, Business Services.

101050.20.4 Participants

The exhibits/shows shall be restricted to inmate participants only.

- Each item offered for sale shall have the price established at the time it is submitted for entry. The price must be realistic and controlled by the

handicraft manager. No price changes will be permitted. Ten percent is added to the inmate's asking price for deposit in the IWF.

- Sales shall be handled as described in DOM 101050.20.

101050.20.5 Publicity

Newspapers and TV stations are usually interested in the handicraft shows. Their staff is invited to review the entries and interview the inmate artists, if appropriate.

101050.20.6 Judges

The Associate Warden, Business Services and handicraft manager may select a panel of outside judges from the local community. Judging shall be prior to the public showing. The number of awards shall be based on entries.

101050.21 Revisions

The Deputy Director, Division of Support Services, or designee shall ensure that the content of this Section is accurate and current.

101050.22 References

PC §§ 2601(a), 2813, and 5006.

CCR (15) (3), §§ 3100-3109, 3190 and 3265.

ACA Standards 2-4392, 2-4452, 2-4453, 2-4458, 2-4459, 2-4461.

ARTICLE 6 — RELIGIOUS PROGRAMS

Revised July 20, 1992

Updated April 5, 2007

101060.1 Policy

The Department shall make a reasonable effort to provide for the religious and spiritual welfare of all interested inmates.

101060.2 Purpose

The purpose of this Section is to provide guidelines for the religious program.

101060.3 Responsibility

Wardens are responsible for the religious programs in the institution and conservation camps. They shall meet quarterly with staff chaplains and Native American Spiritual Leaders.

The Chief Deputy Warden or an AW, shall provide supervision of the staff chaplains, intermittent chaplains, and part-time chaplains.

Staff chaplains shall develop, supervise, and operate their assigned religious programs.

101060.4 Chaplain and Native American Spiritual Leaders' Duties

The pastoral duties of a chaplain and Native American Spiritual Leader shall consist of the following:

- Conducting worship:
 - Regular daily and/or weekly worship services, special religious services on religious and national holidays, interfaith services, memorial services, and funeral services.
- Administering Sacraments:
 - Baptism, Confession, Communion, Confirmation, Sacrament of the Sick and Marriage.
- Pastoral visiting:
 - Hospital, work programs, visiting areas, housing units, camps, group activities, and families of inmates.
- Religious education:
 - Scripture studies, liturgy, history, comparative religion, religious values, contemporary issues, and sacred music.
- Counseling:
 - Individual, family, marital, prerelease planning, and other pertinent counseling issues.

101060.4.1 Duties of Chaplain in Case of an Inmate Death

See DOM 51070, Death, for procedures.

101060.4.2 Privileged Communication

Clergy have the right to privileged communication in the performance of their duties to the extent that the information in no way threatens or hinders inmate lives, staff lives, or in any way breaches the security of the facility.

101060.4.3 Ecclesiastical Responsibilities

The staff chaplain is responsible in his ministry to the source of his ecclesiastical endorsement and to the Wardens. This dual role shall not

impose upon the institution a program in conflict with good correctional management.

101060.4.4 Pastoral Duties—Officiating at Marriages

Staff chaplains may officiate at the marriage of inmates. However, the staff chaplain, by virtue of religious affiliation, shall establish the criteria consistent with the provisions of DOM 101070, which shall be met by the candidates, if the staff chaplain is to officiate. Staff chaplains shall provide their supervisors with these criteria.

See DOM 101070 for procedures.

101060.4.5 Funerals and Memorial Services

Chaplains and Native American Spiritual Leaders may, with authorization of the Warden, conduct or coordinate funerals and/or memorial services for deceased inmates and/or their families.

101060.4.6 Pastoral Services to Parolees

Staff chaplains and Native American Spiritual Leaders may minister to parolees and their families with the approval of the Warden and the RPA of the P&CSD.

101060.4.7 Pastoral Services to Employees

Staff chaplains and Native American Spiritual Leaders may minister to employees who make personal requests.

101060.4.8 Pastoral Administrative Functions

Staff chaplains and Native American Spiritual Leaders shall be responsible for management of their offices, preparing and submitting reports, incoming and outgoing correspondence, and record keeping.

Staff chaplains and Native American Spiritual Leaders shall:

Budget

Be required to submit their budgetary requests in writing through their supervisors.

Facility Emergencies

Be available to assist as required in institutional emergencies as far as the dignity of their office and conscience will permit.

Serve on Various Committees

Staff chaplains and Native American Spiritual Leaders may be called upon to serve on the institution classification committee, be a member of various institution committees, attend institutional staff meetings, and serve on departmental committees or task forces.

Working Hours and Training

They may be required to work irregular hours due to the nature of their profession, attend religious retreats and conferences to maintain ordination and certification status, develop training opportunities for clergy, theological students, and religious volunteers where such programs provide a helpful service to the religious activities of the institution.

They are not required to participate in firearm or physical training.

101060.5 Religious Program Activities

The religious programs shall include activities that will encourage inmate participation. The activities may include the following:

- Regular and special religious worship services.
- Special religious observances of the faith group.
- Religious education.
- National commemorative services.
- Interfaith services.
- Meditation services.
- Religious literature distribution.
- Outside religious group participation.
- Self study religious courses.
- Speech forums.
- Service projects.
- Religious interest groups.
- Religious societies and organizations.
- Participation in community betterment programs.

To implement the religious activities program, the Wardens may obtain the following qualified persons:

- Muslim, Jewish, Catholic, Protestant chaplains and a Native American Spiritual Leader on a full-time, part-time, or intermittent basis.
- Volunteer non-paid community clergy and/or religious or spiritual leader representatives.
- Inmates.

101060.6 Worship Services

Chaplains and Native American Spiritual Leaders shall be responsible for:

- Organizing, scheduling, and conducting the worship services and religious programs appropriate to their faith.
- Approving the scheduling and conducting of worship services and religious programs by volunteer community clergy and volunteer religious representatives.

101060.6.1 Scheduling of Worship Services

Reasonable time for religious services, in keeping with institution security and other normal and necessary operations and activities within the institution, shall be allowed.

Insofar as possible, other institutional activities shall not be planned which will conflict with or disrupt scheduled religious services.

101060.6.2 Inmate Assistant

Inmates may assist in conducting worship services and in the religious programs or as "Sweat Leaders."

101060.6.3 Use of Inmate Ministers

In the event an officially ordained chaplain of a particular faith cannot be obtained to conduct services within the institution for that faith, the Warden may at his/her discretion, and subject to such controls as are reasonably required for institution security, designate a qualified inmate to minister to the religious needs of that particular faith.

In determining the qualifications of an inmate to conduct such services, the Warden shall, wherever possible, seek the advice and counsel of outside religious leaders of that faith.

No inmate shall be assigned as a minister or as a religious counselor on a full-time basis in lieu of regular institution work and program assignment, nor shall any inmate who is approved to minister to the religious needs or interests of other inmates be considered as a state employee or be paid by the state for his or her services.

101060.6.4 Inmate Attendance

Inmate attendance in the religious program shall be voluntary.

101060.7 Special Religious Services/Programs

Religious services/programs may be conducted in special areas of the institution when an individual or a group of inmates cannot participate or attend the regular institution religious services/programs.

The staff chaplain and Native American Spiritual Leader shall be responsible for establishing religious services and instruction for individual inmates housed in a special housing unit. These services shall be coordinated through the unit captain and approved by the associate Warden.

101060.8 Location and Use of Chapel

Chapel facilities are designated for daily religious uses and programs. Use of the chapels for other than religious activities shall require the approval of the Warden.

Wherever feasible, multi-faith chapels or individual chapels for faith groups represented by a substantial number of inmates shall be provided at each facility.

Where only one chapel is available, a schedule for the use of the chapel shall be prepared by the staff chaplains and approved by the Warden or designee.

Where chapels are not available, the Warden shall designate a suitable area for the religious services and approve the scheduling of services in such temporary facilities.

101060.9 Location and Use of Sweat Lodge

The designated area in which the American Indian Sweat Lodge is situated is to be considered sacred. The sanctity must be observed and preserved, not only by inmates, but staff as well.

101060.9.1 Sweat Lodge Ceremonies

The designated pipe holder, volunteer spiritual persons or the leader of the religious group are responsible for organizing and conducting the sweat ceremonies.

A sacred pipe is used during sweat ceremonies and prayer offerings. It shall be retained by a designated pipe holder, who shall be responsible for the protection of the pipe and pipe bag.

All sacred items used in the sweat lodge ceremony may be acquired from the Native American community or from an approved vendor of Native American supplies. Only those items approved by the Warden or his/her designee shall be permitted.

The Sweat Lodge ceremonies consist of, but are not limited to, the use of the following sacred items.

- Sacred pipe and pipe bag.

- Kinnikinnick.
 - Mixture of red willow bark, cedar, tobacco, bear berries, yellow willow bark, and herbs.
- Eagle feathers.
- Sage.
- Sweet grass.
- Buffalo or deer skull.
- Antler.
- Lava or river rocks.
- Water.
- Non-metallic dipper and non-metallic bucket.

101060.10 Sacramental Wine and Religious Artifacts

Wine and religious artifacts approved by the Warden for sacramental and worship purposes may be brought into the institution.

Chaplains shall have prior written approval to purchase and bring into the institution the sacramental wine.

The approval, signed by the Warden or designee, shall accompany the wine through the normal security processing of each given facility.

The sacramental wine shall be maintained in a specified secured location inaccessible to inmates. The applicable chaplain shall remove the wine on the day of use and maintain control of the wine until the religious ceremony is concluded. The applicable chaplain will then return the unused portion and/or the empty container to the designated secured location.

Religious artifacts are those items which American Indians wear on religious/ceremonial occasions and include their tribal designations, personal and religious totems and items which have spiritual significance in their lives. The items may be distinguished by tribal colors and tribal totems.

These items include, but are not limited to, the following:

- Choker.
- Eagle feathers.
- Headband.
- Wristband.
- Medicine bag.
 - Medicine bags shall be small, constructed of soft leather or other natural material without lining, and shall not exceed 1 1/2 inches in diameter. They are usually worn around the neck or hung from the belt.
 - After inclusion of the individual's medicine in the bag, it may be either sewn shut or closed with a drawstring in the presence of staff. The medicine bag must be closed in such a manner that will allow for subsequent inspection of its contents.

The religious artifacts are not to be confused with items worn strictly for ornamental reasons. The religious leader from the community, the group chairman and the pipe carrier shall submit, in writing to the Warden for approval, the religious artifacts worn by their group.

Wearing of the artifacts at times other than during religious occasions, sweat days, and special ceremonies requires approval of the Warden or his/her designee.

101060.11 Chapel, Sweat Lodge, and Sacred Items Search by Custody Staff

Searches shall be conducted with dignity and due respect to the sanctuary and sweat lodge. When practical, the chaplain or Native American Spiritual Leader will be present.

Staff chaplains shall arrange through their supervisor for certain criteria to be met by custodial staff when conducting searches of the chapel facilities or sweat lodge.

Handling of a medicine bag, sacred items, sacred pipe, and pipe bag by staff is limited to those occasions when there is reasonable cause to believe it may contain unauthorized or dangerous items or substances.

Medicine Bag Search

Any routine search of the medicine bag shall be accomplished by having the owner turn the bag inside out in the presence of staff.

Spiritual leaders, volunteers, and visitors entering an institution, are subject to searches of their personal medicine bag in the same manner as described above.

Sacred Pipe and Pipe Bag Search

Handling of the sacred pipe and pipe bag will be limited to the designated pipe holder unless there is reason to believe they may contain unauthorized items or substances.

When a pipe bag search is necessary, the designated pipe holder shall remove the contents of the bag and spread it out for staff to visually inspect.

101060.12 Special Foods for Religious Ceremonies

See DOM 54080.10 for information.

101060.13 Revisions

The Deputy Director, Division of Community Partnerships, or designee shall ensure that the content of this Section is accurate and current.

101060.14 References

CCR §§ 3210-3213.

Public Act 95-341, American Indian Religious Freedom Act.

ACA Standards 2-4466, 2-4463, and 2-4468.

DOM §§ 51070, 53010, and 54080.

ARTICLE 7 — MARRIAGES

Revised February 10, 1999

Updated April 5, 2007

101070.1 Policy

PC 2601 provides that all persons sentenced to the Department have the right to marry.

Unless legitimate penological interest would dictate otherwise, inmates shall be permitted to marry when they meet all legal and departmental requirements.

101070.2 Purpose

The purpose of this procedure is to provide guidelines for the processing of inmate marriage requests and the solemnization of marriages.

101070.3 Definition of Marriage

"Marriage" is defined in California Family Code (FC) 300, as follows:

"Marriage is a personal relation arising out of a civil contract between a man and a woman, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and solemnization as authorized by (other provisions of this code)."

101070.4 Roles and Responsibilities

The FC sections relating to the issuance of marriage licenses and the solemnization and registration of marriages vary from county to county. In each county, the County Clerk is designated as a Commissioner of Civil Marriages and the County Recorder is the local registrar of marriages. These county officials may choose to deputize others to perform these functions. (Thus references in this Section to County Clerk, County Recorder, or Commissioner of Civil Marriages include any deputies they may have designated or appointed.)

The institution head (or designee) shall be responsible for ensuring that the facility adheres to the county's marital guidelines as set forth by the Office of the County Clerk and the County Recorder within their respective jurisdiction.

101070.5 Legal Requirements for the Issuance of a Marriage License

Before marrying, the FC requires that a license be obtained from the County Clerk. Marriage licenses expire 90 days after issuance and must show the identity of the parties, their full names, places of residence, and ages. The County Clerk may issue a marriage license when all legal requirements have been met by the applicants, including payment of license fees. Marriage license applications require information regarding the parties State of birth, number of previous marriages and the manner and date of termination of the last marriage, usual occupation, years of education completed, and each party's parents' name and State of birth. This additional information is required by statute for the State's Registrar of Vital Statistics, which registers marriages in this State.

Both parties must appear together before the County Clerk with appropriate identification, including proof of age. The County Clerk may examine the applicants for a marriage license under oath to ascertain whether they meet the legal requirements. The County Clerk may send a Deputy Commissioner to a CDCR facility, or deputize an employee of a CDCR facility as a Deputy Commissioner to collect this information from an inmate, and ascertain if the inmate meets the legal requirements to obtain a marriage license.

The FC prohibits granting of a marriage license if either applicant lacks the capacity to enter a valid marriage or is, at the time of making application for the license, under the influence of an intoxicating liquor or narcotic drug. A person lacks the capacity to marry if:

He/she is under age 18, unless that applicant has both the consent of his/her parent(s) and a court order granting him/her permission to marry.

He/she is already married to the other applicant. (A marriage license may not be issued to applicants who are already validly married either in California or in another State.)

He/she is already married to another person and no final dissolution has been entered. Such a marriage would be considered to be bigamous.

Note: The PC sets forth criminal penalties for persons who solemnize incestuous or other marriages forbidden by law.

Requirements for Confidential Marriages

The requirements for a confidential marriage are set forth in FC 500, which reads:

"When an unmarried man and an unmarried woman, not minors, have been living together as husband and wife, they may be married by a person authorized to solemnize a marriage..."

Procedures for Obtaining Confidential Marriage Licenses

The procedures for obtaining marriage licenses for confidential marriages are somewhat different. If either or both of the parties to be married is physically unable to appear in person before the County Clerk, the FC requires the County Clerk to issue a confidential marriage license to the person solemnizing the marriage upon that person's presenting an affidavit to the County Clerk, signed by the person and the parties to be married, explaining the reason for the inability to appear. The FC also requires County Clerks to issue confidential marriage licenses to approved notaries public who pay the license fees and who are reimbursed by the applicants for these fees.

Note: The County Clerk has the authority to approve, for a limited term, a notary public to authorize confidential marriages. This person may be an employee of the CDCR facility. The notary public is required to attend a specified course of instruction, and pay a fee. This approval is subject to suspension in specified situations. (Refer to FC 530 through 536 for other applicable provisions.)

- Since confidential marriages are permissible only when the applicants have been living together as husband and wife, the applicants must understand they are stating under penalty of perjury that they have been living together as husband and wife.

As with other marriage licenses, a confidential marriage license issued by the County Clerk is valid only for a period of 90 days after its issuance, but unlike other licenses, a confidential marriage license may only be used in the county in which it was issued.

The form for the confidential marriage license is different from a conventional marriage license and includes a certificate of marriage that is used in solemnizing the marriage.

There is a statutory fee for filing of confidential marriage certificates that must be paid when the license is issued.

101070.6 Solemnization of Marriages

Marriages, whether conventional or confidential, may be solemnized at a CDCR facility by any of the following:

- A priest, minister, or rabbi of any religious denomination. This may include a facility chaplain, or a person not employed by CDCR who is chosen by the parties and who is able to obtain gate clearance.
- Staff may contact the inmate's religious denomination to determine whether the non-CDCR clergy is ordained to solemnize marriages. The denomination's decision shall be accepted. During contact with representatives of the inmate's religious denomination, staff shall be cautious to avoid making any statements or implications regarding the inmate's religious or secular qualification or responsibilities.
- A current or former State or federal justice, judge, or magistrate.
- A current or retired Commissioner of Civil Marriages.
- County Clerk or deputized designee.
- An official of a nonprofit religious institution, whose articles of incorporation are registered with the Secretary of State, and who has been licensed by the county to solemnize the marriages of persons affiliated with, or members of that religious institution. The official must possess the Degree of Doctor of Philosophy and must perform religious services or rites for that religious institution on a regular basis. These marriages shall be performed without fee to the parties.

- The FC provides that the requirements for solemnization do not apply to members of religious societies or denominations that do not have clergy to solemnize marriages. However, the FC requires that members of such groups make, sign, and attach to the marriage license, a statement showing:
- The religious society or denomination of the parties and that the marriage was entered into in accordance with the rules and customs of that society or denomination.
- The fact, time, and place of entering into the marriage.
- The signatures and residential addresses of two witnesses to the ceremony.

Presentation of License

Statutes mandate that the person solemnizing the marriage require the presentation of the marriage license before solemnizing the marriage. Not to do so subjects that person to criminal penalties. The license is part of the certificate of registry given to marriage license applicants by the County Clerk.

Form of Ceremony

The FC does not require any particular form for the marriage ceremony, although it does require that the parties declare, in the presence of the person solemnizing the marriage and witnesses, that they take each other as husband and wife.

Witnesses

The FC requires, for conventional but not for confidential marriages, at least one witness other than the person solemnizing the marriage. There are no specific qualifications for witnesses. Those religious groups who do not have clergy to solemnize marriages (see above) must have two witnesses.

101070.7 Authentication of Marriages

When a couple obtains a marriage license, they also receive a certificate of registry of marriage. The purpose of registering a marriage is to provide a permanent record of the marriage for the State Registrar of Vital Statistics. This certificate must be presented to the person solemnizing the marriage along with the license. That person completes the certificate, signs it, and has at least one witness (for conventional marriages) sign it and record his or her address.

For confidential marriages, the confidential marriage license (including certificate) obtained from the county clerk is filled out by the parties to the marriage and authenticated by the person solemnizing the marriage. The form is printed in duplicate and a copy is required to be given to the parties at the time of the ceremony. The person solemnizing the marriage is also required to give the parties an application to obtain a certified copy of the certificate, which shall be filled out and returned to the county clerk by the person solemnizing the marriage.

The person who solemnized the marriage is required by statute to return the marriage license and the completed certificate of registry to the county recorder in the county in which the license was issued within 30 days after the ceremony. The statutory fee for filing confidential marriage certificates should have been paid at the time the license was issued by the county clerk. Failure to file the license and certificate within this time frame may subject that person to criminal penalties. The original certificate is forwarded to the State Registrar of Vital Statistics.

If a copy of the marriage certificate is requested by the couple, the person solemnizing the marriage shall issue a ceremonial marriage certificate showing the fact, date, place of the marriage, names and residences of witnesses, and the name and official position of the person solemnizing the marriage. Such certificate has no official significance, but serves primarily as a memento.

101070.8 Processing the Marriage Request

The inmate's caseworker or a staff member designated by the facility head shall process the marriage request.

Processing the marriage request shall include:

Checking all available data on the inmate's current marital status.

Notifying the inmate of the legal requirements and assistance available in gathering documents and developing marriage plans. When necessary, this shall include verifying the recognized standing of a requested clergy.

Obtaining approval from the facility administrator for:

- The date and location of wedding.
- The allowance of up to two inmates and ten non-inmates, not including the officiant, bride and groom. Inmate guests may attend only if their Inmate Work Incentive Program is not interrupted.

Furnishing necessary information to the County Clerk or clergy. At the request of the County Clerk, the staff member facilitating the marriage may arrange for an evaluation by a CDCR psychiatrist to determine the inmate's mental competency.

Coordinating staff efforts necessary to perform the marriage when the wedding plan is approved by the institution head or designee for:

- Gate clearance of outside guests.
- Gate clearance of outside clergy.
- Arrangements for wedding photographs.

101070.9 Pastoral Duties/Officiating at Marriages

Facility chaplains may officiate the marriage. However, the facility chaplain, by virtue of their religious affiliation, shall establish the criteria which shall be met by the applicants if the facility chaplain is to officiate. Facility chaplains shall provide the criteria to their supervisors.

101070.10 Revisions

The Director, Division of Adult Institutions, shall ensure that the content of this Section is accurate and current.

101070.11 References

PC §§ 359, 360, and 2601.

CCR (15) § 3216.

EC § 663.

FC §§ 301 et seq., 400, 402, and 500.

H&SC §§ 102100 et seq., 102285, and 103125 et seq.

GC § 26840 et seq.

ARTICLE 8 — CHARITABLE FUND RAISING CAMPAIGNS

Revised March 25, 1992

Updated April 5, 2007

101080.1 Policy

A Warden or RPA may grant authorization for inmate participation in campaigns for recognized charitable causes, (e.g., United Fund, Heart Fund, Cancer Fund, common local charities, etc.). Inmates may be authorized annual participation in a maximum of three campaigns for recognized charitable causes per inmate activity group.

101080.2 Purpose

This procedure implements policy for inmate donations and fund raising campaigns in accordance with the CCR and the designation of authority and responsibilities in conducting such fund drives.

101080.3 Warden's Responsibilities

Wardens shall designate an Associate Warden or community resources manager to review and recommend action on all requests for withdrawal and transmittal of inmate funds for charitable causes.

101080.3.1 Associate Warden's Responsibility

The Associate Warden, CRM, or designee should be sufficiently aware of illicit activities, within the facility, to detect trust withdrawal and transmittal of inmate(s) funds to support such activities. On the Associate Warden's or community resources manager's recommendation and approval of the Warden, the inmate trust office personnel shall process the transmittal of funds for charitable contributions.

101080.4 Individual Inmate's Responsibilities

An inmate may at any time request the Warden's permission to make a voluntary donation to a charitable cause. Approval shall be subject to the following conditions:

- There is no evidence of coercion.
- The amount is not disproportionate to the inmate's trust account balance.
- The inmate is not incompetent.
- The amount is \$1.00 or more.
- The cause in no way advocates any actions that could jeopardize the safety and security of the facility.

101080.5 Inmate Charitable Group Fund Drives

Inmate charitable group fund drives may be conducted through solicitation of inmate population or the sale of products, commodities, or services to the general population, as specifically approved by the facility head.

101080.5.1 Deductions for IWF

A ten- percent deduction shall be made from funds derived from the general population for deposit in the IWF to offset the cost of necessary trust office transactions. Wardens or RPAs may exempt any fund fee for the IWF when all proceeds of the group's fund drive are to be dispersed to an approved charity. Monies collected from sales of products, commodities, or services shall be subject to the deduction on gross sales.

101080.5.2 Procedures for Inmate Participation

Applications for participation in a charitable fund drive shall be submitted in writing to the designated Associate Warden or community resources manager by the staff sponsor of the inmate group. Applications shall be submitted two months in advance of the proposed fund drive. Also:

- Fund drives conducted by activity groups shall not compete with approved or recognized inmate charitable fund raising drives.

101080.5.3 Trust Withdrawal Approval Levels

Trust transactions may be approved in writing by the following personnel:

- \$25.00 or less by the group's principal staff sponsor.
- \$25.00 to \$300.00 by the designated Associate Warden or community resources manager.
- Above \$300.00 by the Warden or RPA.

101080.6 Procedures for the Sale of Product or Commodity

Charitable fund raising activities which involve the sale of a product or commodity shall be thoroughly screened prior to approval to prevent the introduction of contraband into the facility.

- The activity group's staff sponsor shall provide and arrange for supervision regarding all phases of the charitable fund raising activity and collecting of cash funds.
- Sales made to employees shall be paid in cash, either to the staff sponsor or the accounting office. Food sales shall be limited to \$50.00 per employee.

101080.7 Procedures for Accepting a Group Donation

Charitable donations shall require not less than two-thirds approval of the active membership of the inmate activity group and approval shall be determined by secret ballot vote under the supervision of the staff sponsor. A group representative shall be selected by the membership to assist the staff sponsor in tabulating and verifying the membership votes.

101080.8 Soliciting Contributions

Inmate solicitation for contribution to an approved charitable fund raising campaign shall be confined to the inmate population.

101080.9 Inmate Participation

Inmates are not obligated and shall not be coerced to participate in any charitable fund raising campaign or to make any donations, other than on a voluntary basis.

101080.10 Restrictions on Inmate Participation

All activity relating to a charitable fund raising campaign shall be conducted during the inmates' off-duty time and the staff sponsor's off-duty time.

101080.11 Revisions

The Director, Division of Adult Institutions, or designee shall ensure that the contents of this Section are kept current and accurate.

101080.12 References

PC §§ 2079, 5054, and 5058.

CCR (15) (3) §§ 3020, 3240, and 3241.

ACA Standards 2-4028, 2-4048, 2-4053, and 2-4459.

ARTICLE 9 — VOLUNTEERS*

Effective February 7, 1990

Updated April 5, 2007

NOT CLEARED FOR STATEWIDE Use**101090.1 Policy**

The Department shall maximize the interaction of varied cultural and socioeconomic members of the community through their use as volunteers.

101090.2 Purpose

This Section establishes objectives, standards and operational procedures for the use of volunteers.

101090.3 Definition

Revised November 9, 1990

Volunteers are persons who provide a service to the Department without expectation of remuneration.

Volunteers who provide services on an ongoing basis should be called long-term volunteers. Services provided by long-term volunteers are performed under supervision and are subject to performance requirements.

Persons who voluntarily perform a service for the Department on a temporary basis, such as to volunteer their talents for an entertainment show or participate in an athletic event, should be called short-term volunteers.

101090.4 Objectives

The objectives of the volunteer program are:

- To increase participation in correctional programming.
- To actively encourage inmate/parolee interest and participation in available programs.
- To contribute towards the public's accurate knowledge of the Department's operations.
- To provide a needed interchange between the community and the Department.

101090.5 Responsibility**Hiring Authority**

Wardens and RPAs (hiring authority) administer volunteer programs consistent with this policy.

- Provides appropriate and sufficient numbers of employees for the effective development, coordination and supervision of volunteer activities and programs.
- Delegates overall responsibility for the Volunteer Program as follows:
 - Institutions: To the community resources manager (CRM) or other designated manager.
 - P&CSD: To the RPA, or designee.
 - Central Office: To the Director, CRD or designee.
- Recruits new volunteers and develops volunteer/community programs in accordance with identified and prioritized needs of the location.
- Makes a positive effort, when appropriate, to recruit persons who are under-represented in terms of affirmative action goals.
- Reviews and approves the use of volunteers or outside resources in any local program when consistent with the goals and objectives of the Department.
 - Coordinates the screening of prospective volunteers.
 - Obtains CI&I SSCH
 - Ensures that no security risks exist.
 - Accepts verification of certificates or licenses if professional services are offered.
 - Requests the issuance of identification cards for citizen volunteers as authorized by local institution.
- Ensure that the Correctional Captain for Watch Commander maintains an index card file and roster identifying all volunteers, their hours of participation, duties and area of work.
- Ensure that the Personnel Department maintains an index, a flimsy personnel file to insure record of training duty statement, emergency notification, TB clearance and other prescribed information on all volunteers issued a CDCR identification card.
- Develops policy governing job descriptions, recruitment, screening, training responsibility, and the use and supervision of volunteers in conjunction with division heads, IST, managers and sponsors.
- Evaluates the use of volunteers and the volunteer program on a regular basis to ensure:
 - Volunteer efforts compliment the activities of staff.
 - Selected volunteers are physically, mentally and emotionally able to provide the desired service.
 - Compliance with this Section.
 - That all volunteers receive an orientation of the Department and their assigned location.
 - That incoming inmates and parolees returned to custody are encouraged to participate in the development of volunteer/community programs and are informed of these activities during their initial orientation.

- Posts in conspicuous and accessible areas a current schedule of volunteer services, where available, and a contact person. This information shall be updated at least every six months and as changes occur.
- Submits a quarterly report to the Director, DAI, which includes:
 - Number of volunteers.
 - Number of hours of volunteer activity.
 - Summary of added/discontinued programs.
 - Review of special events.
 - Summary of community contacts.
 - Review of procedural/administrative difficulties.

Institution/ Division Heads/PAs

- Identify program areas where community resources are needed.
- Directly solicit citizen volunteers and community programs to meet needs, coordinating such activity in an institution with the CRM or designated manager.
- Approve all volunteer duty statements or community program agreements operating within their program area.
- Participate in screening, interviews, orientation, evaluation and approval of volunteers when requested.
- Ensure that the number of volunteers and volunteer hours are reported monthly to the CRM.

Personnel Office

- Arrange for fingerprints and photographs.
- Maintain personnel file for volunteers who receive identification cards.
- **Local Training Officer**
 - Provide a minimum of four hours orientation and training to include staff/inmate relations, emergency procedures, IPA and a tour.
- Infrequent volunteers may be oriented by their supervisor/sponsor with the approval of the CRM/RPA.
- **Supervisor/ Sponsor**
 - Develop all volunteer duty statements within their program area.
 - Determine the specific services the volunteer is to provide and communicates this information to the volunteer.
 - Take actions as are necessary to ensure that volunteers understand their duties and responsibilities.
 - Coordinate or conduct any necessary training so that the volunteer is familiar with CCR and is able to fulfill the requirements of the position.
 - Notify the volunteer of any changes in rules/procedures or in their duties/responsibilities.
 - Reviews with the volunteer the Digest of Laws Related to Association with Prison Inmates, CDC Form 181; ensures understanding of the material and answers any questions.
- Directly supervises all volunteers in the supervisor's program area on a day-to-day basis.
 - Maintain attendance records on each volunteer using state time reporting forms showing the number of hours and days worked each month.
 - Report the number of hours and days worked each month to the CRM.
 - Record on the timekeeping form the number of inmates participating in each volunteer activity which involves a direct service to inmates.
- Ensure that the volunteer has an approved volunteer identification card or gate clearance. Renew these items when necessary and retain them upon expiration.
- Encourage volunteers to participate in IST programs and staff meetings.
- **Volunteer**
 - Performs the agreed upon service adequately, carefully and diligently without the expectation of pay or allowances.
 - Asks supervisors to explain duties.
 - Seeks clarification of unclear items.
 - Agrees in writing to abide by Department policies.
 - Completes satisfactorily:
 - Screening requirements.

- Required forms/photograph/fingerprinting.
- Orientation.
- Verification of possession of credentials/licenses if a professional service is offered.
- Annual evaluation.
- Reports to a higher level supervisor any information which may affect the safety and welfare of volunteers, employees, inmates/parolees, the program, or the community.

101090.6 Appointment Standards

Approval for a volunteer position or a new community program shall be based on:

- Need of service offered.
- Qualifications of individuals offering service.
- Background clearance of individuals participating.
- Time and frequency of service offered.
- Space and employees needed for proper supervision.

New Position Approval

New volunteer positions or programs require the review and approval of the hiring authority before implementation.

Initiating Requests

Requests for volunteer positions are initiated as follows:

- Citizens shall submit a letter to the hiring authority; or,
- Sponsors shall submit a volunteer duty statement or Volunteer Service Agreement, CDC Form 966-A, to the appropriate authority:
 - Institution program head; or,
 - PA; or
 - Deputy Director, CRD.

Requirements of Sponsors

Primary group sponsors shall be full-time employees. Citizen volunteers may be used as co-sponsors under the supervision of full-time employees.

Retired departmental staff may be used if they achieved retirement under medical or longevity conditions. Other departmental retirees shall be reviewed and approved by the hiring authority prior to acceptance.

Upon approval of the position and selection of a potential volunteer, the sponsor shall escort the individual to the personnel office for completion of required documents and initiation of the screening process.

101090.6.1 Screening

The same general practices, methods, and procedures used to select employees shall be used in screening volunteers.

- Basic educational background and work experience information shall be obtained.
- An interview shall be conducted.
- Credentials/certificate status of volunteers performing professional services shall be verified.
 - Tutoring or sponsorship of a craft or hobby program is not considered a professional service.

101090.6.1.1 Relatives and Visitors

Inmate relatives [as defined in CCR 3174(a)] and inmate visitors shall not be considered nor allowed to become volunteers.

101090.6.2 Volunteer Files

Revised April 7, 1994

A file similar to the official employee personnel file shall be maintained on each volunteer. At a minimum, the file shall include the following:

- CDC Form 181, Digest of Laws Related to Association With Prison Inmates (Exhibit A).
- CDC Form 966-A, Volunteer Service Agreement.
- CDC Form 1049, Volunteer Participation Form.
- Standard (STD) Form 689, Oath of Allegiance.
- STD Form 610-HQ, Health Questionnaire.
- CDC Form 894, Emergency Notification.
- STD Form 261, Authorization to Use Privately Owned Vehicles on State Business.
- Statement acknowledging receipt of a copy of the CCRs and the IPA.

A separate record of each volunteer's name, address, and telephone number shall be kept in one of the following:

- Index card file.
- Register.

Unless litigation is pending, these records shall be destroyed as follows:

Index Card

Six months after the last date on which a service was provided by the volunteer.

Register Page

Six months after the last date on which a service was provided by any volunteer whose name appears on the page.

101090.6.3 Security Clearance

Revised April 7, 1994

Prior to appointment, each volunteer shall satisfactorily complete the following security clearance.

- Volunteer issued identification cards:
 - A CI&I check shall be processed. Additionally, fingerprint cards shall be taken and shall be processed through State DOJ if it is determined by the Investigative Captain to be necessary for a security clearance.
- Volunteers issued gate clearances only:
 - A CI&I clearance by CLETS shall be processed. Fingerprints shall not be required under normal circumstances.

Security clearance shall be renewed on an annual basis.

Ex-Felons

Volunteers who are ex-felons shall additionally be required to have the written approval of the hiring authority prior to admittance for participation in activities or programs.

- If the volunteer is on parole or probation, the written approval of both the caseworker and the hiring authority is required.

Identification Cards

Volunteers shall be issued identification cards for approved ongoing volunteer activities which will occur on a frequent long-term basis, a minimum of six months, with a frequency of more than one visit per month.

- Those who are involved with only one institution shall be issued a card by the specific Warden.
- Those who are involved with more than one institution and/or function shall be issued cards signed by the Director, DAI.

In institutions, gate clearances issued for each visit are used for individuals or groups providing occasional volunteer services, such as outside ball teams, visiting religious groups, and entertainment groups. (See DOM 31070, Personnel Identification Cards.)

Institutions - Gate Clearance

Gate clearance for outside guests shall be approved by the hiring authority or designee.

- The entrance gate officer shall be provided with a written gate clearance for outside guests.
- All outside guests shall have an identification document with a picture, (i.e., valid driver's license; Department of Motor Vehicle identification card; or other official, valid, positive identification).
- Guests may be issued a temporary gate pass. They shall be processed through the metal detector and allowed to proceed to their destination with an escort.
- The senior manager on duty (e.g., watch commander, 3rd watch) may suspend prior approval with good cause (e.g., failure to adhere to Department rules/regulations). In such cases, a report explaining the reasons shall be routed to the hiring authority with a copy to the CRM or designated manager.
- An approved volunteer under the age of eighteen years shall be accompanied by an authorized responsible adult.

101090.7 Volunteer Orientation

Orientation shall be completed prior to assignment as a volunteer.

- Volunteers shall attend the existing orientation offered at the assigned location.

At a minimum, orientation shall consist of:

History

- History and policies of the Department and the assigned location.
- Notification of the provisions of the worker's compensation fund.

Programs

- Overview of the existing programs so that volunteers may develop a sense of their role in relation to other programs, including the work incentive program.

Duties

- Description of the volunteer's duties, lines of communication, supervision, and accountability. Public safety shall take precedence over all other considerations in the operation of the programs and activities of the Department.

Service Population

- Review, in general terms, of the needs, attitudes, and lifestyles of the inmate population.

Rules

- Notification that volunteers are subject to the rules and regulations established by the hiring authority and the Director.
 - Information on the pertinent rules affecting the security of the institution/parole office/unit and the safety of volunteers, employees, and inmates/parolees.

Confidential Information

- Explanation of the IPA provisions.
 - The confidentiality of records and other privileged information shall be maintained. (See Information Practices in Section 13040 of this manual). A copy of IPA shall be provided.
 - Inform volunteers they may be required to divulge information told in confidence by an inmate/parolee. Explain that only certain confidential relationships are legally recognized, i.e., patient/physician, lawyer/client, husband/wife. Therefore, it is possible that a volunteer may be compelled in a court of law to testify about relevant conversations with inmates/parolees.

101090.8 Volunteer Evaluation

The hiring authority shall evaluate their volunteer programs annually to ensure:

- The volunteer activity complements the activities of employees.
- Volunteers are mentally and emotionally capable of providing the desired service.
- Duties are performed in a satisfactory manner with appropriate staff to supervise.
- Activities are consistent with departmental goals and objectives.
- Selection of volunteers is based on affirmative action goals.

The term of service by volunteers shall be contingent upon satisfactory evaluation by management.

101090.8.1 Volunteer Recognition

Supervisors of volunteers shall periodically recognize exemplary volunteer services and programs in the following ways:

- Submission of a request for a certificate of recognition signed by the Director.
- Preparation of a letter of appreciation for the hiring authority's signature.

Letters and justification for the recognition shall be submitted to the CRM, PA, or division head before submission to the hiring authority.

Wardens, RPAs, and division heads are encouraged to prepare press releases in coordination with the CRM for exemplary activities of a volunteer or volunteer program.

101090.9 Termination

The hiring authority may limit or discontinue activities of any volunteer or volunteer group which may impede the security and/or orderly operation of the institution/region.

Criteria

A volunteer or community program shall be terminated if:

- The activity threatens the order and/or security of the program or facility.
- The activity threatens the safety of the volunteer, employees, public, or inmates.
- There is low inmate attendance.
- There is evidence of volunteer misconduct.
- It is not consistent with the mission and objectives of the institution or office.
- There is no appropriate staff supervisor available.

Volunteers or community group members shall receive written notification of their rejection or termination in an expeditious manner.

Volunteer Participation Form (CDC 1049)

The CRM or PA shall provide a completed Volunteer Participation Form, CDC Form 1049, with copy to file, to each volunteer annually or upon termination of participation.

101090.10 Volunteer Rights/ Privileges

Workers' Compensation

Volunteers are eligible for workers' compensation benefits as explained in Section 31020 of this manual. The same reporting procedures for injury or accident to an employee shall be used for volunteers.

Driving on State Business

Volunteers may drive a privately owned vehicle on state business providing an Authorization to Use Privately Owned Vehicles on State Business, STD Form 261 and Volunteer Service Agreement, CDC Form 966, are completed and approved by duly authorized supervisory personnel. Rules, requirements, and regulations shall be explained in detail to the volunteer. (See DOM 22020, Travel.)

Appeal

Volunteers who wish to appeal a decision for termination of their position or program may write the hiring authority.

101090.11 Advisory Committees

Advisory committees provide positive benefits to the Department in the following areas:

- Public information.
- Community relations.
- Parole placement.
- Development of trade and industrial training programs.

Consultants

The Executive Officer, PIB, is available to each institution and the P&CSD for consultation relative to advisory committees.

Central Office employees and parole employees shall actively participate as consultants to each institution, the P&CSD, and to the Executive Officer, PIB, in regard to advisory committees.

Joint conferences of institutional and parole employees, other state agencies, and advisory committees shall be held periodically to promote understanding of the overall program.

Effectiveness Factors

The effectiveness of trade and parole advisory committees is enhanced by the following:

- Establishment of the committee as an affiliate of a larger community organization such as a service club or other established, reputable body.
- Membership in the advisory committees of an ideal cross-section of the community; i.e., ethnic groups, judiciary, clergy, law enforcement, business, labor unions, and community service groups.
- Tours of institutions/camps and committee attendance at pre-parole classes, parole board hearings, and other activities contingent upon Warden/RPA approval.
- Regular service of the membership account and demonstration of a personal interest in the activities of the group.
- RPAs' supervision and coordination of the planning and organization of committees in their regions.
- Understanding by employees of the purpose and goals of advisory groups so that better communication and public relations result.

101090.11.1 TACs

The Warden, where possible, shall establish TACs for vocational training programs in the area of vocational education, industries, maintenance, or food service. TACs shall be composed as closely as possible of an equal number of persons nominated by representatives of management and labor. Committee members shall be appointed by hiring authorities from recommendations submitted by the groups represented.

Functions

TACs shall provide:

- Consultation on space and equipment requirements, training procedure, and instructor qualifications and selection.
- Standards for inmate selection and training which are relevant to current methods and industry standards.
- Vocational guidance and evaluation of inmate trainees.

- Advice on employment opportunities upon release.
- A medium for better understanding between labor, private industry management, and the Department.

Organization

TACs shall be organized on the basis of one of the following:

- A master committee representing all vocational training areas within the institution with subcommittees for each trade or occupation.
- Individual TACs for each trade or occupation within the institution.

Institutional Coordinator

Each Warden shall nominate for the approval of The Director, an institutional employee who shall:

- Obtain CI&I SSCH.
- Coordinate the organization and programs of the TACs within that institution.
- Maintain and circulate minutes of meetings to all participants and appropriate departmental staff.
- Ensure compliance with the Department's Operations Manual.

This coordinator shall be assisted by employees representing education, plant operations, industries, and other institutional services.

101090.11.2 Parole Advisory Committees

RPAs and their subordinate employees are encouraged to establish parole advisory committees.

These committees develop community interest and promote community support for parolees and correctional programs.

Functions

Parole advisory committees shall provide:

- A counseling and advisory resource to the Parole Agent.
- Knowledge of the community to assist newly released parolees in securing jobs or residency as follows:
 - Acting as voluntary consultants on release employment opportunities.
 - Giving practical assistance, vocational guidance, and evaluation of parolees.
 - Acting as consultants in vocational training of parolees.
 - Interpreting parole to the community leadership.

101090.11.3 Citizens' Advisory Committees

Functions

Each Warden shall establish a Citizens Advisory Committee which shall be used to:

- Improve the public's understanding of correctional programs.
- Influence correctional directions.
- Suggest means to improve and participate in inmate programming.

The role of the committees is to:

- Provide an important opportunity for the Department to gain the support of interested and concerned citizens. Wardens shall extend an invitation to committee members to acquaint themselves with the institution's facilities and programs.
- Voice their concerns and make suggestions for facility and program enhancements as well as to support the institution or facility and its programs.
- Play a key role in furthering the Department's mission. Wardens shall regularly attend meetings and shall feel free to share information with the committee on problems, progress, and resolutions.
- Encourage community service projects, open houses, public education efforts, and any other appropriate activities aimed at strengthening the institution's partnership with the community.

Composition

Each Warden shall appoint a 12 member Citizens Advisory Committee from a list of nominations submitted as follows:

- Two persons from nominations submitted by the Assembly member in whose district the prison is located.
- Two persons from nominations submitted by the Senator in whose district the prison is located.
- Two persons from nominations submitted by the city council of the city containing or nearest to the institution.

- Two persons from nominations submitted by the county board of supervisors of the county containing the institution.
- One person from nominations submitted by the Chief of Police of the city containing or nearest to the institution and the county sheriff of the county containing the institution.

Three persons selected by the Warden including one who is a victim of a crime or a representative of a victim's organization.

Selection

Nominators shall submit biographical data for each nominee.

The Department's EEO and affirmative action policies shall be considered in the selection of nominees.

Orientation

Appointed committee members shall complete an orientation which shall include:

- A meeting with the Warden.
- Inmate, employee and community safety procedures.
- A tour of the institution.

Committee Member Files

A file shall be maintained on each committee member which shall include:

- Oath of allegiance.
- Digest of laws relating to association with prison inmates.
- Statement acknowledging receipt of a copy of the CCR and the IPA.

Operation

Each committee shall select a chairperson by majority vote who shall:

- Call meetings.
- Prepare meeting agendas.
- Preside over meetings.

Term of Members

The term of office of all members shall be two years. Members shall not serve more than two years unless nominated and re-appointed.

The Warden shall solicit a listing of five nominees from designated nominators 90 days prior to the expiration of any member's terms.

Committee member resignations shall be submitted in writing to the chairperson.

Vacancies

Vacancies may result from a member's death, written resignation or unexcused absence from three consecutive meetings. The Warden shall fill any vacancy upon receipt of written notification that a vacancy exists.

The Warden may fill a vacancy with a person selected from, but not limited to, the list of nominees originally submitted by nominators. Additional names may be requested from the nominators by the Warden.

Appointments to fill a vacancy shall be for the remainder of the unexpired term.

Meetings and Minutes

The committee shall meet at least once every two months or as necessary to carry out the purposes and duties of the committee.

The Warden shall meet with the committee at least four times per year. If the Warden is unable to attend, the chief deputy Warden shall attend. Attendance shall not be further delegated.

Committee meetings shall be open to the public. The date, time and place of each meeting shall be published in a local newspaper at least one week prior to the meeting.

Meetings shall be held outside the prison security area. Meetings may be held in public buildings away from the institution. If held on institution property, the meeting shall be accessible to the public without compromising security.

Minutes of each committee meeting shall be kept and a copy forwarded to the Director, Division of Adult Institutions.

Visitation

Advisory committees shall have the power of visitation of prison facilities and personnel in furtherance of committee objectives except in situations where security would be jeopardized.

The Warden shall schedule all visits, and shall personally escort the visitor(s). Scheduled visit agenda shall be subject to change based upon institutional situations at the time of the visit.

Visits to other departmental facilities shall be authorized if, in the opinion of the chairperson and the Warden, such visiting will enhance the work of the committee.

Visits to other departmental facilities shall be only by advance arrangement between the affected Wardens.

The size of the visiting committee shall be determined by the committee itself and the Warden.

The head of the visited institution shall meet with the visiting committee delegation.

Travel Expenses

Travel expenses of the committee members shall be paid as authorized under BOC rule 706(c) and CCR (2) 599.624. Expenses shall be borne by the parent institutions.

101090.12 Revisions

The Director, DAI, or designee, shall ensure that the content of this Section is accurate and current.

101090.13 References

CCR (2) §§ 599 - 624

CCR (15) §§ 3260 - 3265, 3285, 3415.

PC § 5056.

ACA Standards 2-4006, 2-4018, 2-4024, 2-4071, 2-4095, 2-4347, 2-4456, 2-4465, 2-4487 - 2-4495, 2-2054, 2-2180 - 2-2187.

ARTICLE 10 — GRANTS

Effective December 4, 1989

Updated April 5, 2007

101100.1 Policy

The Department shall participate in grant projects when the Director, Division of Community Partnerships (DCP), in conjunction with the appropriate Chief Deputy Director, Warden, or RPA, determines the project is in the best interests of the Department and is consistent with current Department policy.

101100.2 Purpose

This Section clarifies provisions as set forth in the SAM 900, as they relate to departmental policy and procedures in the solicitation and awarding of grants.

101100.3 Definitions

To clarify terminology used in the grant process, the following definitions are included as a guide. These are not inclusive, and any definitions contained in statutes shall supersede those contained in this Section.

Grants

Grants are funds from sources other than the GF for operational and demonstration programs which involve the Department's facilities, employees, inmates, or parolees. These funding sources include, but are not limited to, the federal government, other state departments, local agencies, and other public and private organizations.

Service Project Proposals

Service project proposals are defined as technical assistance provided by public or private agencies.

101100.4 Responsibility

The Assistant Director, DCP, shall:

- Review and recommend to the Director the acceptance or rejection of all grant or services project proposals.
- Authorize submission of grant application/proposals and acceptance of grant awards for the Department.
- Monitor grant projects for program and fiscal compliance with granting agency.
- Assure specific requirements of departmental procedures are met.

Budget Management Branch

The Budget Management Branch and the Office Contract Service Unit of the Office of DCP shall coordinate all grant applications and projects for the Department. The Budget Management Branch shall:

- Assist in the preparation of grant application, contracts and other necessary documents.
- Identify potential funding sources and assure compliance with granting agency's requirements.
- Ensure that the following actions are completed:
 - Flow of grant application through Department's approval process.
 - Notification of award.

- Establishment of guidelines for fiscal and programmatic report requirement.
- Provision of technical assistance to project directors.
- Receipts, review, and distribution of project reports and requests for reimbursement.
- Coordination between grantee (institution/division) and Headquarters.
- Coordination between grantee and grantor (granting agency).
- Ensure that the activities outlined in the DOM 21060.4 are performed in an efficient and timely manner by creating and maintaining a master file and register to control the processing, implementation and report cycles of grant projects.
- Review all reports required under DOM 21060.10 for compliance with program objectives, timeliness, and fiscal constraints. Recommendations and/or ongoing technical assistance shall be provided to project director as required.
- Conduct on-site review providing technical assistance on each grant project within four months of the project start-up. The on-site review shall include, but not be limited to, the following:
 - Initial interview with project director and staff.
 - Review of staffing and organizational structure.
 - Review of accounting system.
 - Review of reporting requirements and formats.
 - Review of program objectives and time lines.
 - Review of property management and procedures.
 - Review of evaluation plan to include data collection procedures.
 - Conduct an "exit interview" with the project director to discuss review findings, possible problem area and recommendation

Deputy/Assistant Directors, Wardens, RPAs

The appropriate deputy/assistant director, Warden or RPA shall:

- Review and approve initial concepts for grant projects that fall within their respective jurisdictions.
- Provide overall programmatic direction for each grant project.
- Designate a project director.

Project Director

The project director shall be responsible for the implementation and the daily management and supervision of the grant proposal/contract and the mandates of this chapter. The project director shall coordinate the implementation phase with the business manager/fiscal officer.

Business Manager/Fiscal Officer

The appropriate business manager/fiscal officer shall:

- Coordinate support activities such as procurement matters for grant projects.
- Review and approve appropriate grant expenditure report requests for funds and grant award modification requests that shall be submitted to the Budget Management Branch for action.

Accounting Officer

The accounting officer shall:

- Keep separate accounts for the expenditures and reimbursements related to the grant.
- Display this grant on a separate page on quarterly budget reports.
- Obtain budgetary approval from the budget section through the Budget Management Branch.
- Submit reports as described in DOM 21060.10.

Personnel Representative

The personnel representative shall:

- Establish the necessary project staff positions.
- Process appointments and other personnel transactions for project staff.

Procurement and Services Officer/Business Service Officer

The procurement and services officer/business service officer shall initiate and execute the necessary grant contracts/agreement.

101100.5 Grant Proposal Concept

When management staff identify a program need for which departmental funds are not available, a grant proposal concept that includes the following information may be prepared:

- Introduction. Clearly and concisely summarizes the request and describes the current situation.
- Program statement. Documents the needs to be met or the problems to be resolved by the proposed funding.
- Objectives. Establishes the benefits of the funding in measurable terms.
- Methods. Establishes the means of achieving the results desired and presents a timetable for accomplishing these results.
- Evaluation. Describes a plan to prove that the grant project was a success and that the objectives were reached.
- Budget. Presents an estimate of project costs in detail.

Submit To

The grant proposal concept shall be submitted to the Division for Community Partnership and Budget Management Branch for departmental review and approval. The two factors upon which approval shall be based are the following:

- Possible contribution of the grant project to departmental goals and objectives.
- Probable acceptance by a grantor.

Costs

Depending on grantor requirement and limitations, the following costs may or may not be included:

- Administrative costs.
- Personnel services costs.
- Budget administrative costs.
- Leasing costs.

101100.5.1 Impact Statement

In conjunction with the preparation of a grant proposal concept, a program impact statement shall be submitted with the proposal concept to the Budget Management Branch.

101100.5.2 Department Review

Upon receipt of a grant proposal concept and impact statement, the Budget Management Branch shall forward these documents to the appropriate deputy/assistant director for review and approval. Written notification of approval/disapproval shall be submitted by the appropriate deputy/assistant director to the Budget Management Branch no later than 14 days from receipt of the grant proposal concept and impact statement.

101100.6 Grant Application

The Budget Management Branch in conjunction with the sponsoring division shall develop a grant proposal based on the grant proposal concept after receipt of written notification of approval from the appropriate deputy/assistant director. The proposal shall follow the specific requirements and guidelines of the granting agency selected by the Budget Management Branch. The required grant application forms shall be completed and submitted to the Assistant Director, DCP, for signature and distribution.

101100.7 Governor's Review

All applications for federal funds shall be submitted through the Budget Management Branch to the Governor's Review Committee. The Budget Management Branch shall monitor all federal grant applications through the Governor's review process. Forty-five days shall be allowed for completion of this process.

101100.8 Grant Award Notification

Upon notification of a grant award, the Budget Management Branch shall notify the following departmental authorities:

- The affected deputy/assistant director.
- The affected Warden or RPA.
- The Deputy Director, Financial Management and Support Services.
- The business manager of the affected institution.
- The specific project director.

Within 20 days of the notification of a grant award, the Budget Management Branch shall issue specific instructions for project implementation and fiscal requirement to all affected departmental units.

101100.9 Contracts Interagency Agreement

All contracts and/or interagency agreements for grant projects shall conform to the requirement of DOM 22040 and shall be submitted to the Budget Management Branch for review to assure compliance with granting agency requirements and program objectives.

101100.10 Reporting Requirement

Programmatic and financial reports and equipment inventory records are required for all grants awarded to the Department. When a granting agency provides specific reporting requirements, such requirements shall supersede this Section's provisions.

All reports shall be submitted directly to the Budget Management Branch for review and submission to the granting agency.

- Programmatic and financial reports for a calendar quarter shall be prepared and submitted within 15 working days following the end of the quarter.
- Grant award modifications shall be requested when necessary to achieve project objectives and shall include proper justification.
- Equipment inventory records shall be prepared when the equipment is received. Two copies shall be attached to the financial report for the quarter during which the equipment is received.
- All grant project records and supporting documents shall be complete, current, and available for audit during the grant period and for a period of five years from the date of the project's completion.
- Failure to submit required reports on time could result in the withholding of grant funds and/or the termination of the grant.

101100.10.1 Programmatic Reports

Programmatic reports shall:

- Describe activities and accomplishments during the reporting period, emphasizing project phases which have been completed (e.g., initial planning stage, completion of initial survey effort, purchases of required equipment, etc.).
- Cover major administrative development such as changes in personnel, project design, etc..
- Mention and discuss problem areas and critical observations, as well as project success.

Copies of any special reports, evaluation studies, publications, or articles prepared as a result of the project's operation shall be attached to the report.

101100.10.2 Financial Reports

The financial report shall provide a summary of the actual expenditures and anticipated expenditures (encumbrances) to date for each of the following categories:

- Personal services.
- Employee benefits.
- Consulting services.
- Operating expenses.
- Travel.
- Equipment.
- Minor capital outlay.
- Other (for any unusual items which do not fit into one of the other categories).

Budget Management Branches instructions for the particular grant project or the granting agency requirements provide directions for the types of expenses that are in each category.

If a grant award modification was made affecting the approved budget, then the financial report shall identify the modification by number and type.

The financial report shall be prepared using CDC Form 904, Financial Report for Grant Projects Summary.

A final financial report that includes all actual expenditures and no encumbrances shall be submitted within 90 days after the project termination.

101100.11 Budget Revision

A budget revision is required for a change within the approved budget that does not change the project scope, the total grant award amount, or the grant project period.

All budget revisions require Budget Management Branches prior approval. The granting agency's prior approval for budget revisions shall be required when:

- Transferring funds in or out of the equipment or minor capital outlay categories.
- Transferring funds into a category which has no funds budgeted.
- Transferring funds from one category to another in excess of the amount permitted by the granting agency.

Even though changes may not be requested in all categories, the current amounts of all categories shall be shown. Current category amounts refer to the amounts which were approved either originally with the grant award or subsequently as a result of a budget revision and/or grant award amendment. Parenthesis shall be used to indicate a decrease and the addition symbol "+" to indicate an increase of the category amounts in the proposed change column (3) of CDC Form 905, Grant Award Modification Request for Grant Projects.

101100.12 Grant Award Amendment

Grant award amendments are changes in the grant which affect the project scope, the total amount of the project budget, the date by which the project shall be completed, and the date by which all project debts shall be paid.

All grant award amendments require prior approval from both the Budget Management Branch and the granting agency.

When requesting additional funding, budget change column 4 of CDC Form 905 shall be used to indicate amount.

Substantial justification shall be provided for changes that require a grant award amendment.

CDC Form 905 shall be completed and submitted to the Budget Management Branch for grant award modification request.

101100.13 Equipment Inventory Records

All equipment purchases with grant funds for the project shall be inventoried and tagged in accordance with current departmental/institutional procedures and SAM 8630 through 8660.

Existing departmental/institutional inventory record form may be used. This form shall include:

- Grant project title.
- Grant award number.
- Grant contract number.
- A complete description of the equipment.
- Total cost of the equipment.

Two copies shall be submitted to the Budget Management Branch.

An equipment inventory record file shall be maintained for the life of the grant.

All subsequent changes to the equipment inventory, (e.g., changes in location, disposition, loss, etc.) shall also be submitted to the Budget Management Branch for updating purposes.

All equipment purchased with grant funds shall become departmental property at the end of the project period unless granting agency specifies otherwise.

101100.14 Project Evaluation

Each contract for a grant project shall contain a section that specifies an evaluation plan that shall, at a minimum, contain the following:

- The method by which each of the objectives shall be measured.
- The method that shall be used to determine the project's success in achieving its stated objectives; identification of the measures of success.
- Description of the method and type of data collection to include program participants and workload data.
- Description of any research techniques or methods which shall be used such as pre/post tests, control groups, and experimental groups, etc..

A completed evaluation report shall be presented to the Budget Management Branch no later than 90 days following the termination of the grant project.

The Budget Management Branch shall distribute the evaluation results to the appropriate deputy director, Warden, or RPA.

101100.15 Revisions

The Deputy Director, DCP, or designee, shall ensure the content of this Section is accurate and current.

101100.16 References

SAM § 900.

ARTICLE 11 — GIFTS AND DONATIONS

Revised March 11, 2003

Updated April 5, 2007

101110.1 Policy

The California Department of Corrections and Rehabilitation (CDCR) shall accept gifts or donations if it is in the best interest of the CDCR and is consistent with current statutes, laws, regulations, etc. Only those gifts or donations that supplement the CDCR budgets or provide cost avoidance to the taxpayer without incurring any future expenditure related to the gift or donation shall be accepted.

Property acquired through gifts or donations shall become property of the State. Gifts and donations should be used exclusively for the purpose for which they were originally donated.

No officer or employee of the CDCR may, for private gain, accept or receive money or other compensation from anyone other than the State for the performance of his or her State duties. Nor may any officer or employee of the CDCR solicit, accept, or receive any gift or donation from anyone doing or seeking to do business with the State.

101110.2 Purpose

This Article establishes the requirements for the acceptance of gifts or donations in the best interest of the CDCR.

101110.3 Responsibility, Headquarters**Secretary**

The Secretary of the CDCR may accept gifts or donations of goods or services not involving new expenditures of State funds.

Office of Fiscal Services

Acceptance of gifts or donations that generate a new expenditure of State funds is subject to approval of the Department of Finance (DOF). The Director or designee, Office of Fiscal Services (OFS) shall:

- Review and forward to DOF a CDC Form 922, Authorization to Accept Gifts or Donations, that has been approved and processed by Division of Community Partnerships (DCP).

Other Divisions/Offices

When a person or entity contacts a headquarters' unit with an offer of a gift/donation, the appropriate manager shall designate a staff person who shall:

- Complete the CDC Form 922.
- Obtain the signature of the appropriate Director/Deputy Director.
- Submit the signed authorization form to the DCP.

Division of Community Partnerships

The Director or designee, DCP, shall:

- Receive a quarterly report from each institution for the purpose of maintaining a statewide database on gifts and donations.
- Approve and process all gifts and donations that require DOF review.
- An assigned Manager in the DCP shall:
- Forward CDC Form 922 to the OFS, and monitor the approval process if the gift/donation has an impact on CDCR budgets.
- Approve all CDC Form 922s provided by the Division of Adult Parole Operations (DAPO) and headquarters.
- Maintain records of all approved gifts and donations to include donations identified on institutions quarterly reports.
- Provide technical assistance as needed.

101110.4 Institutions**Warden**

The Warden of each institution shall authorize the acceptance of gifts and donations not impacting the CDCR budgets.

If the gift or donation has an impact on CDCR budgets, the Warden shall forward CDC Form 922 to the CRM in the OCR for processing through the OFS.

Community Resources Managers, Division of Community Partnerships

The Community Resource Managers (CMR) shall:

- Identify the equipment, supply, or material needs of the institution that can be met by solicitations of gifts or donations.
- When feasible, solicit contributions from public agencies and private enterprise that meet the identifiable needs of the institutions.
- When notified of the availability of a gift and/or donation, contact any program or administrative staff who may be affected by the gift and/or donation to determine if the gift and/or donation shall be accepted.
- Process the gift and/or donation items for necessary approvals in compliance with the provisions of this Article.

- Place all cash donations in a special purpose trust account.
- Obtain the Warden's signature on a CDC Form 922 when a gift and/or donation is appropriate for acceptance by the institution.
- Forward the CDC Form 922 to the DCP for approval by OFS for donations impacting the CDCR budgets.
- Notify appropriate institution staff when CDC Form 922 is approved by the Warden or DOF, as appropriate.
- Arrange for the efficient receipt of the gift and/or donation, delivery to the appropriate location, and the addition of the gift and/or donation to the institution property inventory (if applicable).
- Acknowledge appreciation to the donor(s) through written communication from the Warden and provide a copy of CDC Form 922 upon request (for tax purposes).
- Verify donated vehicle(s) has been approved by Department of General Services (DGS), Fleet Administration Representative. Attach the inspected approval document to CDC Form 922.
- Maintain a copy of the approved CDC Form 922 for a minimum of five years.

Procurement Officer

The institution Procurement Officer shall keep inventory records for all non-disposable property received as a gift or donation, in accordance with the inventory control guidelines as set forth in the Correctional Business and Administrative Support Systems.

Food Manager

The Food Manager shall monitor food donations to ensure compliance with the CDCR regulations for food safety, and DGS procurement standards.

Associate Information Systems Analyst

The Institution's Associate Information Systems Analyst will review all computer-related equipment, materials, and applications to ensure compliance with institution requirements.

Staff

Institution staff, as authorized by the Warden, may maintain direct communication with persons or entities wishing to provide a gift and/or donation. Upon offer of a gift and/or donation to a specific facility, staff in contact with the donor shall:

- Notify the facility CRM of the offer.
- Complete and submit to the facility CRM a CDC Form 922.

101110.5 Division of Adult Parole Operations Field Units

When a gift and/or donation is offered to any field unit or institution in the DAPO, the appropriate manager or unit supervisor shall appoint a staff person who shall:

- Complete CDC Form 922.
- Ensure that the authorization form is forwarded through the unit supervisor and Regional Parole Administrator to the Director, DAPO, for signature prior to submission. Submit the signed CDC Form 922 to the OCR.

Verify donated vehicles have been approved by the DGS, Fleet Administration Representative.

101110.6 Revisions

The Director, DCP, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

101110.7 References

Government Code §§ 11005, 11005.2, 14660, and 19990.

PC § 5057.5.

SAM §§ 1376, 1377, 8602, 8614, 8634, and 8650.

American Correctional Association Standards §§ 2-4037, 2-4045, and 2-4437.

California Code of Regulations, Title 15, Sections 3413 and 3409.

ARTICLE 12— LIBRARY AND LAW LIBRARY

Revised December 24, 1992

Updated April 5, 2007

101120.1 Policy

An inmate library shall be maintained by each facility, reception center, and camp and shall operate according to an operation schedule approved by the Warden or officer in charge. The plan shall be widely distributed to the

inmate body and posted throughout the facilities, reception centers, and camps. The library program shall allow for maximum inmate access and participation.

101120.2 Purpose

There shall be a library and law library in each facility with space to provide service to all segments of the facility population. Such areas shall contain space to accommodate State-owned books and to allow individual study of the available books. Access to each library shall take into consideration the needs of general population inmates and inmates assigned to security, segregation, and other restricted housing units. The program shall include opportunity for independent, informal study and research, legal library service, and circulating legal library services.

101120.3 Responsibility

The Director, Division of Education, Vocations and Offender Programs, shall be responsible for the inmate library program.

Chief of Education

The Chief of Education and the Principal Librarian shall develop and monitor the departmental inmate library policy in cooperation with the State Library and California Library Association.

Senior Librarian

The Senior Facility Librarian shall implement the facility library program and shall report to the Supervisor of Academic Education or the Supervisor of Correctional Education Programs.

101120.4 Replacement of a Librarian or Teacher Librarian

The SPB and DOF established the librarian series as the appropriate series to provide library services to inmates. The Department is authorized by the SPB and the DOF to utilize teachers as librarians in an emergency.

When a librarian position is vacant, the facility shall actively recruit for a librarian to fill the position. If a facility is unable to employ a librarian from the civil service list, the Chief of Education shall be notified. Approval may be given by the Chief of Education to fill the vacancy with a teacher if it appears that the facility has made every effort to recruit a librarian and has not been successful.

If a facility plans to reassign a teacher/librarian to regular classroom work, the teacher/librarian position shall be considered vacant. The above procedure shall be employed in filling the vacancy.

101120.5 Principal Librarian

A fulltime Principal Librarian shall coordinate departmental library programs. The Principal Librarian shall confer with and provide consultant and resource services on request of facility librarians. The Principal Librarian's duties shall include scheduled on-site visits to facility libraries to ascertain that all departmental libraries are operating within established departmental policy and procedure.

101120.6 Library Services Criteria

Facility librarians shall provide library service and materials.

Library services shall be scheduled to provide adequate inmate access within necessary facility security and control.

Library materials shall be selected and provided to meet the needs and interests of the inmate population. Materials provided shall encompass the American Library Association's recommended standards and shall be augmented by reference materials necessary to meet the needs of current facility education programs. Suggestions and requests from inmates shall be solicited both informally by suggestion box and formally by an inmate library committee meeting with library staff on a scheduled basis.

101120.6.1 Material Excluded From Inmate Libraries

Printed material which describes the making of any weapons, explosive, poison, destructive device, or which in the Secretary's sole discretion depicts, portrays, or describes a sexual assault upon a correctional employee shall be excluded from publications furnished to facility inmate libraries.

101120.6.2 Check Out of Library Books

To check out books and other library materials, inmates shall:

- Present their identification or privilege card to the librarian.
- Sign a trust account withdrawal order before any books are checked out to them.
 - Inmates who lose or damage books or library materials shall pay for them.
 - Inmates shall not loan books to other inmates.
- Display books or other materials to correctional staff upon exiting the library.

Reference Books

Reference books shall not be checked out of the library. Damage to reference books, i.e., torn or cut pages or pictures, shall result in the submission of a CDC Form 115, Rules Violation Report, and a trust account withdrawal order for the cost of repairs or replacement of the reference book.

101120.7 Establishing and Maintaining a Library

Library Book Stock Formula. Based on 12 books and 55 percent population registration, the following library book stock formula is established:

Facility

Total facility inmate library fiction book stock = .55 x population x 7 books.

Total facility inmate library nonfiction book stock = .55 x population x 5 books.

Reception Center and Camp

Total inmate library fiction book stock = .55 x population x 10 books.

Total inmate library nonfiction book stock = .55 x population x 2 books. 655

Facility Budget Replacement

Formula for the yearly budget replacement of facility book stocks:

Yearly inmate library fiction book stock = .55 x population x .6 x current average book stock price.

Yearly inmate library nonfiction book stock = .55 x population x .4 x current average book stock price.

Reception Center and Camp Budget Replacement

Formula for the yearly budget replacement of reception center and camp library book stock:

Yearly inmate library fiction book stock = .55 x population x .8 x current average book stock price.

Yearly inmate library nonfiction book stock = .55 x population x .2 x current average book stock price.

The above formulas apply specifically to fiction and nonfiction library book stock requirements. They do not include other library operational expenses, library equipment, special reference book sets, and special reference handbooks.

101120.8 Library Budget Policy

To be paid out of support appropriations:

- Book repairs and pamphlets for inmate library.
- Supplies for processing and repair of library materials.
- Postage on library books and interlibrary loan (also known as ILL) fees.
- Subscriptions to magazines and newspapers for the inmate library.
- Fiction and nonfiction books.
- Recommended proportionate use of funds should be 15 percent newspapers/magazines, 35 percent nonfiction books and 50 percent fiction books.
 - Exceptions to these percentages may be granted to the librarians if justified in writing to the Chief of Education, headquarters.

101120.8.1 IWF Library Budget Policy

To be paid out of IWF appropriations:

- Publications: Purchase of newspaper and magazine subscriptions for library and entertainment purposes and to supplement support appropriation purchases.
- Fiction books, especially paperbacks, to supplement/support appropriation purchases.

101120.9 CDC Form 400, Quarterly Library Operations Report

A CDC Form 400, Quarterly Library Operations Report, shall be completed and submitted with the quarterly education report in October, January, April, and July of each year. The reports shall be submitted no later than the fifteenth day of each designated month for the previous quarter and shall be sent to the Chief of Education.

101120.10 Inmate Access to Law Libraries

All interested inmates shall have access to the inmate library law books in accordance with this procedure.

Each facility head shall formulate an operational schedule for the inmate law library. This schedule shall include:

- Daily hours of library operation.
- Consideration to needs of inmates assigned to day work, training, or academic education.
- Consideration to needs of inmates assigned to security, segregated, and other restricted housing units.

- The maximum inmate access consistent with space limitations and facility security needs.

Restricted Housing Unit Access

Inmates confined in restricted housing units including security, segregation, and other restricted housing status shall have adequate access to legal resource material.

Return-to-Custody (RTC) and Camps Inmate Access

RTC inmates who request access to law library materials shall be transferred to the nearest facility for the period of time needed to complete their legal work.

Camp inmates requesting access to the law library shall be returned to their "hub" facility for the period of time needed to complete their legwork.

Abuse of Law Library

Inmates may have physical access privileges restricted for any period up to 90 days upon documented abuse or misuse of law library resources, facilities, and/or staff. Access may be restricted upon the written determination of the Warden or Chief Deputy Warden. Copies of the written determination of suspension of physical access shall be delivered to the inmate within five working days of such determination. All law library services, including paging, may be stopped during such period of suspension.

101120.11 Establishment of the Collection and Description

Codes

The collection of law books shall consist of, but not necessarily be limited to, one complete and current set of each of the following:

- Deering's California Code Annotated or
- West's Annotated California Code.
- USC Service or
- U. S. Code Annotated.

Digests

- West's California Digest 1st and
- West's California Digest 2nd, or
- (McKinney's) California Digest Official Reports, 3rd Series, 1983.
- Modern Federal Practice Digest.
- West's Federal Practice Digest 2nd.
- West's Federal Practice Digest 3rd.
- West's Federal Practice Digest 4th.

Reporters

- West's Federal Practice Digest 4th.
- West's California Reporter, or
- California Official Reports 2nd Series, Vol. 53–71, and
- California Official Reports, 3rd Series, Vol. 1–Continuing, and
- California Appellate 2nd, Vols. 175–276, and
- California Appellate 3rd, Vol. 180–Continuing.
- Federal Reporter, Vol. 176–Continuing.
- Federal Supplement, Vol. 180–Continuing.
- U. S. Reports Vol. 269–Continuing, or
- U.S. Supreme Court Reports, Lawyers Edition Vol. 1–Continuing, or

Shepards

- Supreme Court Reporter, Vol. 70–Continuing.
- U. S. Citations.
- Federal Citations.

Secondary Sources

- California Citations.
- Appeals and Writs in Criminal Cases 1982 with newest update.
- Ballentine's Law Dictionary, or
- Black's Law Dictionary, 6th Ed.
- California Criminal Law Procedures and Practices, 1986 Dec., with newest update.
- California Jurisprudence 3rd.
- Harvard Law Review Developments on Habeas Corpus 1970 Ed.
- Sokol, Handbook on Federal Habeas Corpus 2d. Ed.
- U.S. Law Week (newspaper) 1 year backfile.
- Witkin California Criminal Law, 2d. Ed.

101120.12 Maintaining a Current Library Collection

Each set of case reports and statutes shall be kept current. Lost, stolen, or missing volumes that are damaged beyond use shall be replaced. A continuing subscription to advance sheets and new volumes shall be maintained for each set of reports or cases, and supplements to each set of codes, statutes, and other reference works shall be obtained and added to each library as they become available.

Law books not on the above list, but currently existing at various facilities, may be retained in facility law libraries, but need not be replaced in case of loss, theft, or mutilation.

101120.13 Law Library Budget/Book Replacement Procedures

Purchasing procedures for replacement of lost or damaged law books, updating the collections, obtaining supplements, revisions, and subscriptions include:

- Purchases of the annual subscriptions required to keep each inmate law library collection current and materials to replace items lost or damaged shall be made by the Procurement Officer at each facility. Such purchases are to be made from inmate law library funds, not regular library funds.
- The Principal Librarian shall determine the content, price, and availability of all the items in the annual subscription and provide this information to the facilities.
- Purchases of required law materials lost, damaged, stolen, or missing from the facility law library shall be made by the facility. The law library supervisor or librarian shall complete an annual inventory of the inmate law library and report to the library coordinator any lost, stolen, or missing volumes or volumes damaged beyond use.
- Any volumes of required materials borrowed from the State Circulating Law Library and subsequently lost, damaged, or destroyed at the facility shall be replaced by the Chief of Education. The law library supervisor or librarian shall submit a written report and request for replacement of any such loss to the Principal Librarian.
- Purchases of law books and other legal materials not on the required list shall be the responsibility of the facility.

101120.14 The Circulating Law Library

There shall be a circulating law library in the Department. The contents of which shall consist of, but are not limited to, the following sets of books:

- Federal Supplement, V. 1-179.
- Federal Reporter, 2d and 3d Series, Volumes 1-175.
- Either United States Reports, V. 1-238, Supreme Court Reporter, V. 1-69, or United States Supreme Court Reports, Lawyer's Edition, First Series, V. 1-92.
- Either American Jurisprudence 2d or Corpus Juris Secundum.
- California Reports, First Series.
- California Reports, Second Series.
- California Appellate Reports, First Series.
- California Appellate Reports, Second Series.
- Federal Rules Decisions.
- California Jurisprudence 2d and continuing with California Jurisprudence 3d.
- American Law Reports 1 through 4 and continuing.

Function

The function of the circulating law library shall be to transfer law books to facility law libraries for the temporary use of the inmates in those facilities.

Method

No inmate may request law library materials directly from the circulating law library. All requests must be processed through the library staff member designated to request materials from the circulating law library.

Upon receiving a request from an inmate for a particular volume in the circulating law library, a facility librarian shall immediately order that volume from the librarian of the circulating law library who shall dispatch it to the requesting facility librarian immediately upon receipt of the request or notify the requesting librarian that the volume is on loan. When the volume is received at the facility library, the librarian shall immediately notify the requesting inmate. The volume may be retained at the facility library up to three days during which time it shall be available for use by any inmate. If the requesting inmate demonstrates an inability to use the volume during the three-day period, the facility librarian may retain the volume for an additional four days.

- No volume shall be retained at any facility law library for a longer period than seven days unless the librarian ascertains from the circulating law library librarian that the volume is not on request by any other (facility) library.
- The circulating law library librarian may direct that any volume from that library on loan to a facility library be transferred directly to another facility library in satisfaction of a loan request.
- No inmate shall request more than five volumes from the circulating law library during any one-week period.
- The circulating law library shall be operated in such a manner as to ensure maximum access by all inmates to the volumes contained in said library.
- When possible, the circulating law library shall send a duplicated copy of the requested material to the requesting library rather than send the entire volume.
- Said copy may be retained indefinitely by the inmate requesting the material.

CDC may contract the actual operation of the circulating law library to another agency providing that the required standards of service are retained.

Note: Location of circulating law library:

State Law Library
California State Library
P.O. Box 942837
Sacramento, CA 94237

101120.15 Inspection of Public Records by Inmates

DOM 13040, Public Records, sets forth departmental policy concerning the inspection of public records by inmates. A copy of all revisions to the CCR shall be placed in the inmate law library.

101120.16 Access to Law Library by Inmates with Court Deadlines **General Population Inmates**

General population inmates with established court deadlines shall be given priority for passes to the inmate law library. If there is a waiting list for legal books, inmates with established court deadlines shall be given priority over non-court deadline requests.

Restricted Housing Inmates

Inmates in restricted housing units with established court deadlines shall be given priority in submitting requests for law materials and in the delivery and pickup of these materials to and from the unit. Procedures and conditions contained in DOM 53060.6.2 shall apply to inmates housed in restrictive housing units.

Established court deadlines shall be verified by a Correctional Counselor or designated library staff.

101120.17 Revisions

The Director, Division of Education, Vocations and Offender Programs, or designee shall be responsible for ensuring that the contents of this Section are kept current and accurate.

101120.18 References

PC §§ 2600 and 5058.

United States Court, Northern District of California, United States Court of Appeals, Ninth Circuit.

CCR (15) (3) §§ 3120, 3121, 3122, 3161, 3162, 3164, 3331(i), 3331(j), 3343(i), and 3405.

ACA Standards 2-4015, 2-4230, 2-4231, 2-4442, 2-4443, and 2-4446 through 2-4450.

DOM § 13040.